



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 07 August 2019,
commencing at 6:00 p.m.

Members:

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

Officers:

Mr. Derek Madden	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Community Assets and Infrastructure
Mr. Satwinder Sandhu	General Manager Community Planning
Ms. Sharon McArthur	Acting General Manager Community Development

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 03 July 2019**

Recommendation:

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 03 July 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

9.1 Request for nature strip improvements – Griffith Street, Maddingley

Council has received a petition containing 54 signatures from the community of Griffith Street, Maddingley, and adjoining streets.

Their petition states:

'We the undersigned request that Moorabool Shire Council undertake improvements to the nature strip between Griffith St and the service road from Osbourne St to Hillside street.

The area is in poor condition. It is uneven, exhibiting large ruts through the gravel service caused by heavy rain. It is hazardous to walk on especially when wet.

We request that council level out the area and compact, as an initial measure to make good.

We further request the shire to look to a more permanent solution. Our suggestions are:

- *Seal the half that faces the service rd and convert into parking for the industrial estate*
- *Landscape the half facing Griffith St to enhance the look of the area and make it more inviting to local businesses*
- *Install signage board for factories to attach their logo.'*

The petition meets Council's Local Law No. 9, Meeting Procedure Local Law, Part 6 - Clause 6.7.

Recommendation:

1. **That the petition containing 54 signatures in relation to nature strip improvements on Griffith Street, Maddingley be received by Council.**
2. **That a report be prepared by officers for Council's consideration pertaining to nature strip improvements on Griffith Street, Maddingley.**

Report Authorisation

Authorised by:

Sally Jones
Name: Sally Jones
Title: General Manager Community Development
Date: Tuesday 02 July 2019

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

Nil.

11.2 COMMUNITY PLANNING

11.2.1 Moorabool Shire Community Local Law No.1 2019

Introduction

Author: Andy Gaze
General Manager: Satwinder Sandhu

The review process of the Local Laws is coming to an end. This report details the process to date and seeks Council's adoption of a new Community Local Law 2019 to commence on or after 1 October 2019.

Background

The current Moorabool Shire Council General Local Law expires on 6 October 2020. A review of the current Local Law commenced in 2017 with three (3) rounds of public consultation taking place. The Community Local Law 2019 (**Attachment 11.2.1a**) is the result of this review process.

The Community Local Law 2019 has been prepared with reference to the State Government Guidelines for the Local Laws and a review of best practice approach across Victoria. This report details the review process, details the major changes via the Community Impact Statement December 2018 (**Attachment 11.2.1b**) and recommends the future way forward. The Community Local Law 2019 has been reviewed by solicitors to ensure that it meets the drafting guidelines and does not breach the requirements of the *Local Government Act 1989*.

The Community Local Law was advertised through the 'Have Your Say' portal, by direct mail to key stakeholders and through the local press in July and August 2018. Feedback obtained through this process and further internal feedback led to the amended Community Local Law being presented to Council at an Assembly of Councillors (AOC) on 3 October 2018. At this AOC, full details of all the external comments were provided to Councillors. Further amendments were requested by Councillors which were made however this resulted in a further round of public consultation occurring between 18 December 2018 and 2 February 2019. This round of consultation resulted in a community member speaking to Council at its meeting on the 3 April 2019 which resulted in amendments to how animals and livestock were defined by removing Honey Bees from both definitions. A further round of community consultation occurred between 11 June and 14 July 2019 which resulted in one comment being received on 15 July 2019. This comment in redacted form can be seen in **Attachment 11.2.1c**. The comment is generally in support of the Local Law with regard to shipping container controls but seeks dispensation from the requirement to apply for or pay for a permit if the shipping containers are existing and comply with the requirements of the Clause 6.7.

The comment is not without merit however, officers believe that all shipping containers should be subject to a permit application process and whether fees are to be charged for the permit for existing complying shipping containers is something that needs to be considered by Council.

The Local Law Community Impact Statement December 2019 (**Attachment 11.2.1b**) has been amended to reflect the amendments to the definition of Animals and livestock requested by Council at the Ordinary Meeting of Council on 3 April 2019

The process to date has allowed considerable ability for the public and stakeholders to comment on the proposed Community Local Law.

The process from this stage forward is for Council to now consider the Community Local Law and if satisfied, can resolve to make the new Community Local Law 2019, revoke the existing Local Law, give public notice and a notice in the Victorian Government Gazette as well as sending a copy to the Minister for Local Government.

The Community Local Law will require a number of internal processes to be implemented prior to its introduction principally in regard to setting:

- Standards for permit applications and assessments;
- Standards with regard to compliance functions; and
- New fees and charges for new permits.

It is not proposed to implement the Community Local Law 2019 with immediate effect but look for adoption on or after 1 October 2019 (in line with the Gazettal notice process of clause 1.4 of the proposed Community Local law 2019) to allow these changes to be implemented.

This will also allow time for Council to ensure that the community and all stakeholders are fully aware of the new provisions, provide time for them to implement any actions needed, and prepare to apply for any required permits.

Under Clause 9.1 (b) of the Community Local Law 2019 Council can incorporate maps from time to time to designate areas that specify where specific types of fires can and cannot be lit. In the current General Local Law 2010 similar provisions apply. New maps have been developed (**Attachment 11.2.1d**) which now encompass all the developed areas within Bacchus Marsh, Darley and Maddingley areas and also take into account the areas of new subdivisions. The wording of the Community Local Law 2019 allows Council to incorporate maps from time to time without amending the Local law and as such allows Council to respond to the changing growth patterns within the Shire and any particular trends which may dictate additional burning controls.

Proposal

It is proposed that Council resolve to:

- Note that one submission was received as part of the community consultation on the Community Local Law 2019 undertaken between 11 June and 14 July 2019 and authorises the CEO to write to the submitter detailing Council's reason for not amending the proposed Local Law as a result of the submission;
- Adopt the Community Impact Statement as shown in **Attachment 11.2.1b**;
- Adopts the Moorabool Shire Council Community Local Law 2019 as shown in **Attachment 11.2.1a**;
- Give public notice, and notice in the Victorian Government Gazette (on 1 October 2019 or the first Gazettal date thereafter), of the making of the Moorabool Shire Community Local Law 2019 and the effective date;
- Incorporate the maps in **Attachment 11.2.1d** into the Moorabool Shire Council Community Local Law 2019; and
- Send a copy of the Moorabool Shire Council Community Local Law 2019 to the Minister of Local Government.

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

The Community Local Law 2019 contains a number of requirements for people to obtain a permit to undertake specific activities. The provision of these permits will take up resources and as such appropriate fees will need to be levied to ensure that they are provided on a cost neutral setting. It also places numerous requirements over certain activities which have to be monitored by Council staff and action taken for non-compliance. Compliance and enforcement action are by their very nature resource intensive and the introduction of these Local Laws may place additional burdens upon the Council in ensuring that the requirements are met.

Risk & Occupational Health & Safety Issues

The Community Local Law 2019 sets policy for the way forward to ensure local community and environmental wellbeing and liveability of the area over the next 10 years. If the Local Law is either too onerous, not specific enough or does not have community and business support activities can be allowed that will be detrimental to the local community, environment and the areas liveability. To ensure that the requirements of the Local Law are able to be successfully implemented it is essential that adequate resourcing be given to ensure that all residents and stakeholders are aware of the requirements and that as required action can be initiated to ensure compliance.

Communications and Consultation Strategy

The community, stakeholders and internal staff have been consulted during the formulation of the Community Local Law 2019. Full community consultation was undertaken in July and August 2018 through Council's 'Have Your Say' portal. The consultation process was advertised on Council's website, within the local press media and by direct mail to major stakeholders. Further consultation occurred between 18 December 2018 and 2 February 2019 and then again between 11 June and 14 July 2019 via Council's 'Have Your Say' portal and was advertised in the local press media. All submissions received have been considered and amendments made as considered appropriate by Council staff and Councillors.

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

The Community Local Law 2019 has undergone a full review process and is designed to meet the current and future needs of the Moorabool Shire. To ensure that the public can be fully informed of the new Local Law requirements and allow them time to either comply or prepare to submit applications for permits, it is deemed reasonable that the Community Local Law 2019 not be adopted till on or around 1 October 2019. This will also allow time for Council Officers to prepare internal working documents to ensure that all permits can be applied for, assessed and as required approved or rejected in an informed and transparent fashion.

Recommendation:

That Council:

1. **Note that one submission was received as part of the community consultation on the Moorabool Shire Council Community Local Law 2019 undertaken between 11 June and 14 July 2019 and authorises the CEO to write to the submitter detailing Councils reasons for not amending the Local Law as a result of the submission;**
2. **Adopt the Community Impact Statement as shown in Attachment 11.2.1b;**
3. **Adopt the Moorabool Shire Council Community Local Law 2019 as shown in Attachment 11.2.1a;**
4. **Give public notice, and notice in the Victorian Government gazette (on 1 October 2019 or the first Gazettal date thereafter) of the making of the Moorabool Shire Community Local Law 2019 and the effective date;**
5. **Incorporate the maps in Attachment 11.2.1d into the Moorabool Shire Council Community Local Law 2019; and**
6. **Send a copy of the Moorabool Shire Council Community Local Law 2019 to the Minister of Local Government.**

Report Authorisation

Authorised by:

Name:


Satwinder Sandhu

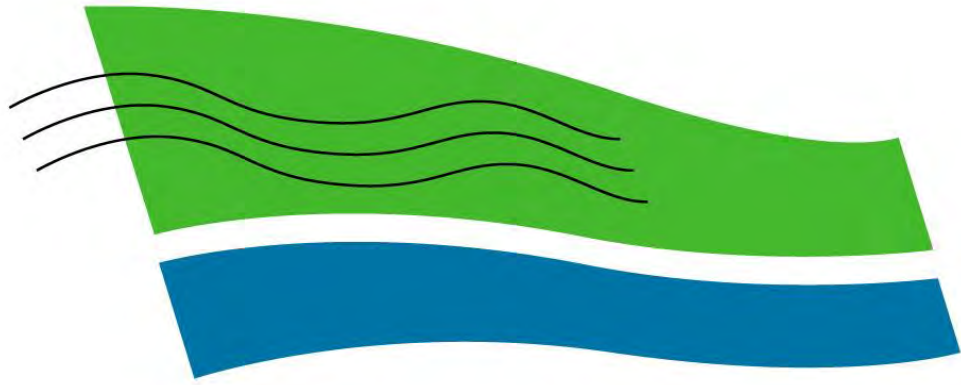
Title:

General Manager, Community Development

Date:

16 July 2019

Attachment Item - 11.2.1a



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.

Governance	Community Local Law No 1. (2019)		
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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:

Act	means the <i>Local Government Act</i> 1989, as amended from time to time.
Advertising Sign	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">Provides information about the Occupier of the Land or Building, or a business or industry;Advertises goods, services, an event or a competition; orProvides directions to the location of property or Land, which is available for pre-sale/lease/rent inspection. An Advertising Sign can also be a post, placard, bill poster, sticker or other document.
Alcohol	means a beverage intended or used for human consumption, which has an Alcoholic content.
Alcohol Restriction Area	means an area declared by Council as an area in which the consumption of Alcohol is prohibited.
Animal	has the same meaning as in the <i>Summary Offences Act</i> 1966, and includes insects and fish but excludes honey bees.
Asset Protection Permit	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.
Asset Protection Permit Bond	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.
Assistance Dog	has the same meaning as in the <i>Equal Opportunity Act</i> 2010.
Authorised Officer	means any person: <ol style="list-style-type: none">appointed by Council as an Authorised Officer pursuant to Section 224 of the Act; anda police officer enforcing provisions relating to Alcohol in accordance with Section 224A of the Act.
Builder	means: <ol style="list-style-type: none">a Building practitioner under the <i>Building Act</i> 1993; andan Owner of a Building Site.
Building	has the same meaning as in the <i>Building Act</i> 1993.
Building Site	means any Land on which the Building Work is being undertaken.

Building Work	has the same meaning as in the <i>Building Act</i> 1993.
Bulk Rubbish Container	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.
Busk and Busking	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.
Camp, Camping	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.
Caravan	Includes a Caravan, motorhome, camper van, mobile home or moveable dwelling.
Charity Bin	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.
Chief Executive Officer	has the same meaning as in the Act.
Commercial Area	means an area within a Commercial Zone under the Scheme.
Contractor	means a person who has entered into a written agreement with Council to provide any goods or services or to perform any function.
Council	means Moorabool Shire Council.
Council Land	means all Land: <ul style="list-style-type: none"> a) owned, leased, managed or occupied by Council; or b) vested in, or under the control and management of, Council, but does not include a Road.
Dilapidated	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.
Emergency Service	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.
Farm Land / Area	means an area within a Farming Zone under the Scheme.
Footpath	includes every Footpath, Land or other place within the Municipal District designed for, and habitually used by, pedestrians.
Graffiti	means inscriptions or drawings scribbled, scratched, sprayed or otherwise applied on any surface.

Green Organics Bin	means a receptacle provided to premises by Council for the purpose of collecting and disposing of household organic material.
Grey-Water	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).
Hard Waste	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.
Heavy Vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Honey Bee	Apis Mellifera – European Honey Bee.
Incinerator	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> .
Industrial Area	means an area within an Industrial Zone under the Scheme.
Itinerant Trading	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.
Land	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
Litter Device	means an apparatus for the purpose of removing dog faeces and includes a paper or plastic bag.
Livestock	has the same meaning as in the <i>Impounding of Livestock Act 1994</i> but excludes honey bees.
Mobile Waste Bin	means a receptacle provided to a premises by Council for the purpose of collecting and disposing of household Waste.
Motor Cycle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Motor Vehicle	has the same meaning as in the <i>Road Safety Act 1986</i> .
Municipal Building	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.
Municipal District	means the Municipal District of Council.

Municipal Place	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.
Municipal Reserve	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.
Nature Strip	Means the Council Land between the boundary of a property and the trafficable area of the road
Notice to Comply	means Notice to Comply issued in accordance with Clause 2.5.2 of this Local Law.
Occupier	has the same meaning as in the <i>Environment Protection Act 1970</i> .
Owner (in relation to Land or a Building)	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.
Owner (in relation to a Motor Vehicle or Trailer)	has the same meaning as in the <i>Road Safety Act 1986</i> .
Owner (in respect of a cat or dog)	has the same meaning as in the <i>Domestic Animals Act 1994</i> .
Penalty Unit	has the same meaning as in Section 110 of the <i>Sentencing Act 1991</i> .
Person	has the same meaning as in the <i>Interpretation of Legislation Act 1984</i> .
Policy	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.
Permit	means a written Permit issued in accordance with this Local Law which authorises a specified use or activity and includes an Asset Protection Permit.
Public Place	has the same meaning as in the <i>Summary Offences Act 1966</i> .
Purpose Built Outdoor Cooking and/or Heating Device	includes but is not limited to a: <ul style="list-style-type: none"> a) barbeque or other device used for the sole purpose of cooking food; and b) fire within a brazier or chimney or similar device used exclusively for heating purposes.

Recreational Vehicle	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"> a) mini bike; b) trail bike; c) go cart; and d) any other 2 or 4 wheeled Vehicle designed or adapted for recreation.
Recyclables Bin	means a receptacle provided to premises by Council for the purpose of collecting and disposing of household recyclable material.
Refuse	means all Waste or rubbish produced or accumulated in or on any Land, premises or property.
Residential Area	means an area within a Residential Zone under the Scheme.
Road	has the same meaning as in the Act.
Rural Area	means an area within a Rural Zone under the Scheme.
Schedule	means a Schedule to this Local Law.
Scheme	means the Moorabool Planning Scheme.
Sell	includes: <ul style="list-style-type: none"> a) barter, offer or attempt to Sell, have in possession for sale, or allow to be sold or offered for sale; and b) Sell for re-sale.
Septic Tank System	has the same meaning as in the <i>Environment Protection Act 1970</i> .
Service Authority	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.
Shopping Trolley	means a wheeled container, receptacle or carriage item supplied by a retailer for customers to transport goods.
Sign	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.
Statutory Authority	means: <ul style="list-style-type: none"> a) the State and Commonwealth Government, or a department of either Government; and 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.
Trailer	has the same meaning as in the <i>Road Safety Act 1986</i> .

Unsightly	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.
Vehicle	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
Vermin	means “pest Animal” as defined under the <i>Catchment and Land Protection Act 1994</i> .
Waste	means any discarded, rejected, unwanted, surplus or abandoned matter (whether solid or liquid).
Wheeled toy	has the same meaning as in the <i>Road Safety Road Rules 2009</i> .
Zone	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 0 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

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- (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 / Guineapigs / 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.

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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

Notice No.	[Date of Issue	[
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To:

The [Owner] [Occupier]	
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Of:

Address	
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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:

Specify the act, omission, matter or thing that constitutes the contravention	
---	--

In order to remedy this contravention you must:

Specify the works required to correct the contravention	
---	--

The works required must be completed by the following date:

Specify the date by which the works required must be done	
---	--

Authorised Officer's details:

Signature of Authorised Officer	
Name of Authorised Officer	

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).

Governance	Community Local Law No 1. (2019)		
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Schedule 2 Penalties

Clause	General Description	Maximum Penalty
	Part 3 - Protection and Management of Council Assets and Infrastructure	
3.2	Requirement to maintain the nature strip	10
3.3 (c)	Requirement to notify Council	5
	Part 4 - Building Sites	
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
	Part 5 - Activities and Behaviour on Roads, Council Land, Municipal places and public places	
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

Governance	Community Local Law No 1. (2019)		
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Clause	General Description	Maximum Penalty
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
	Part 6 - Land Use and Amenity	
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
	Part 7 - Waste Management	
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
	Part 8 - Animals	
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
	Part 2 - Administration and Enforcement	
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
	Part 3 - Protection and Management of Council Assets and Infrastructure	
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
	Part 4 - Building Sites	
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
4.5	Requirement to control windblown Refuse and dust	3
Governance	Community Local Law No 1. (2019)	

Clause	General Description	Infringement Penalty Unit
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
	Part 5 - Activities and Behaviour on Roads, Council Land, Municipal Places and Public Places	
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
5.6(a)	Requirement to hold a permit to ride or drive a vehicle in a municipal place	2

Governance	Community Local Law No 1. (2019)		
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Clause	General Description	Infringement Penalty Unit
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
0	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
Part 6 - Land Use and Amenity		
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
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

Governance	Community Local Law No 1. (2019)		
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Clause	General Description	Infringement Penalty Unit
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
	Part 7 - Waste Management	
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
7.6(b)	Requirement not to place additional material in a bin or a hard waste collection placed out by another person	2

Clause	General Description	Infringement Penalty Unit
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
	Part 8 - Animals	
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
	Part 9 - Fires and Fire Hazards	
9.1	Requirement that a person not light a fire or allow a fire to remain alight unless a permit is obtained.	4

Clause	General Description	Infringement Penalty Unit
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

Attachment Item - 11.2.1b

Moorabool Shire Council

Local Law Community Impact Statement – July 2019

Proposed: Local Law

Moorabool Shire Council

Local Law Community Impact Statement

Moorabool Shire Council Community Local Law No. 1 2019

Council provides the following information to the community in respect of the proposed Local Law.

PART A – General comments

All Councils in Victoria have a form of local regulation called local laws. Councils' local law-making powers come from the Local Government Act 1989 (*the Act*). The original intention underpinning the capacity of Councils to make local laws was to provide the ability for each council to have controls that reflected the different circumstances and objectives of each council and to provide a capacity for councils to individually tailor requirements in response to how things were happening in their municipalities.

The current local law in Moorabool is the Moorabool Shire General Local Law 2010, which expires in 2020 (*the current Local Law*). Council has determined that the current Local Law should be reviewed prior to the 2020 expiry date to ensure that it remains relevant to Council's growing area and changing population.

The review commenced in 2017 and has involved officers working together to discuss the issues that they see as ones that need managing into the future to ensure that Moorabool Shire is maintained as a desirable place to live, work and visit.

The proposed Local Law has been reviewed by a solicitor.

Part B – Overview of proposed Local Law

The proposed Local Law is being made under section 111(1) of the Act and will operate throughout Council's municipal district.

The proposed Local Law, to be known as the Moorabool Shire Council Community Local Law No. 1 2019, will commence on the day following notice of its making being published in the Victoria Government Gazette and, unless it is revoked earlier, will expire 10 years after commencement.

On commencement of the proposed Local Law, the current Local Law will be revoked.

The objectives of the proposed Local Law remain essentially the same as those of the current Local Law. The objectives provide 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 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; and
- (h) Regulate the impact of business activities on the environment, public health and amenity.

Proposed changes brought about by the proposed Local Law are not substantial and do not impact on the general purpose and purport of the current Local Law. The opportunity has been taken to improve clarity and remove clauses which might encroach on the field covered by other legislation, such as the Road Safety Road Rules 2017 and the Environment Protection Act 1970.

Under section 223 of the Act, Council is required to give public notice of the proposed Local Law and invite submissions for a period of at least 28 days.

The statutory consultation period will run from 21 June 2018 for 45 days and close on 5 August 2018.

Anyone who makes a written submission can request to be heard in support of their submission at the Ordinary Council Meeting which considers the making of the proposed Local Law, details of which will be provided.

Part C – Main changes to the Local Law

All provisions of the current Local Law have been reviewed. Substantive changes are outlined in the following paragraphs. When reference is made to a clause being amended or otherwise modified, reference is being made to the substantive change to a clause in the current Local Law brought about by the proposed Local Law.¹ All references to clauses below are references to clauses of the proposed Local Law.

Numbering

The proposed Local Law adopts a new numbering system based on the Part in which a clause appears instead of being continuous. The order of clauses has been rearranged but the grouping of clauses remains essentially the same.

¹ Strictly speaking the current Local Law is being revoked rather than amended. For the sake of convenience, clauses in the current Local Law are being referenced as if they are changing rather than being replaced.

Definitions

Various definitions have been amended. Terms which have been amended are as follows:

- 'animal';
- 'authorised officer';
- 'asset protection permit bond';
- 'building work';
- 'Council Land';
- 'footpath';
- 'graffiti';
- 'hard waste';
- 'itinerant trading';
- 'livestock';
- 'municipal place';
- 'public place';
- 'recycle bin';
- 'recreational device';
- 'waste'; and
- 'wheeled toy'.

Offences

Clause 2.5.1 of the proposed Local Law has been simplified when compared to clause 87 of the current Local Law but its overall effect remains unchanged.

Notices to Comply

Clause 2.5.2 of the proposed Local Law has been simplified when compared to clause 90 of the current Local Law to remove unnecessary information but its overall effect remains unchanged.

Appeals

Clause 2.5.4 of the proposed Local Law omits any reference to internal reviews of infringements to avoid any encroachment onto the field covered by the Infringements Act 2006. It has otherwise been simplified when compared to clause 94 of the current Local Law but its overall effect remains unchanged.

Council policies

Clause 95 of the current Local Law is not replicated in the proposed Local Law because it addresses matters of policy and is therefore unnecessary.

Delegations

Clause 98 of the current Local Law is not replicated in the proposed Local Law because it replicates Council's power of delegation under the Act and is therefore unnecessary.

Maintenance of Nature Strips

A new clause 3.2 has been inserted which requires an Owner or Occupier of Land to maintain the Nature Strip adjacent to that land as a means of maintaining the amenity of the Municipal District.

Asset Protection Permits

A new clause 3.3 has been inserted requiring a person who proposes to undertake Building Work to obtain an Asset Protection Permit, except in certain circumstances. This ensures that Council assets are protected during Building Work and are reinstated in the event of damage at the cost of the persons causing that damage.

Discharge into Stormwater

A new clause 3.4 has been added which makes it an offence to allow any substance other than stormwater to be discharged into Council's stormwater drainage network. This protects Council's assets and also reduces the risk of damage to private property.

Vehicle Crossings

Clause 3.5 of the proposed Local Law has been simplified when compared to clauses 71 to 74 of the current Local Law to remove unnecessary information but its overall effect remains unchanged.

Building Sites

The clauses of the current Local Law addressing the management of Building Sites have been consolidated into Part 4 of the proposed Local Law for ease of reference and interpretation. Some new obligations have been added and some existing obligations have been removed. In particular:

- a new clause 4.1 of the proposed Local Law requires the manager of a Building Site to ensure that the risk of stormwater runoff
- a new clause 4.7 of the proposed Local Law expands on current requirements for a toilet to be provided on a Building Site
- a new clause 4.8 regulating the hours of activity on a building site.
- clause 68 of the current Local Law is not replicated in the proposed Local Law because it encroaches on the field occupied by the Environment Protection Act 1970 as it relates to the control of noise

Activities and Behaviour on Roads, Council Land, Municipal Places and Public Places

The clauses of the current Local Law addressing activities and behaviour on Roads, Council Land, Municipal Places and Public Places have been consolidated into Part 5 of the proposed Local Law for ease of reference and interpretation. Some new obligations have been added, in particular:

- a new clause 5.6 of the proposed Local Law prevents a person from riding or driving a vehicle or a horse in a Municipal Place except in certain circumstances
- a new clause 5.8(c) of the proposed Local Law prohibits a retailer from making shopping trolleys available for use unless they are fitted with a locking mechanism
- a new clause 5.9 of the proposed Local Law regulates the designation and issuing of residential and commercial parking permits
- a new clause 5.10 of the proposed Local Law prevents a person from collecting, cutting or removing firewood from a Road or Council Land

Land Use and Amenity

The clauses of the current Local Law addressing Land use and amenity have been consolidated into Part 6 of the proposed Local Law for ease of reference and interpretation with some new clauses and changes, in particular:

- a guidance note added to clause 6.2 of the proposed Local Law replaces clause 17.2 of the current Local Law to provide greater flexibility to Council when determining whether Land is considered Unsightly
- a new clause 6.3 of the proposed Local Law prohibits the Owner of any vacant Land from allowing it to become unsafe. There is no longer a requirement for owners of dilapidated buildings to ensure the dilapidation is rectified so as to not affect either the visual amenity of the premises or the appearance of the building as is required under clause 18 of the current Local Law
- a new clause 6.4 of the proposed Local Law requires the Owner and the Occupier of Land to ensure that private drains and stormwater systems are fit for purpose
- clause 6.6 increases the height at which vegetation on private Land may overhang a Road Footpath or Nature Strip from 3 metres to 2.5 metres
- a new clause 6.7 of the proposed Local Law regulates the placement of shipping containers on Land in a Residential Area
- a new clause 6.9 of the proposed Local Law replaces clause 70 of the current Local Law and simplifies it
- a new clause 6.10 places additional controls on Camping on private Land and restricts the length of time that Camping can be undertaken without a Permit when compared to clause 13 of the current Local Law
- a new clause 6.11 provides more clarity as to when a Permit is needed for use of Recreational Vehicles and where Recreational Vehicles can be used without a Permit when compared to clause 14 of the current Local Law
- Clause 15 of the current Local Law relating to cigarette butt receptacles is not replicated in the proposed Local Law because it encroaches on the field occupied by the Tobacco Act 1987 and Environment Protection Act 1970.

Mosquito breeding

Clause 65 of the current Local Law relating to mosquito breeding is not replicated in the proposed Local Law because it encroaches on the field occupied by the Public Health and Wellbeing Act 2008.

Noise from residential and commercial properties

Clauses 67, 68, 69 and 70 have been not been replicated in the proposed Local Law because it encroaches on the field occupied by the Environment Protection Act 1970.

Septic Tank Systems

A new clause 7.1 has been added to the proposed Local Law which requires the Owner of Land on which a Septic System is installed which is not the subject of a permit under the Environment Protection 1970 to empty and maintain it regularly and to report to Council on those activities.

Waste Collection and Disposal

A new clause 7.4 has been added to the proposed Local Law which regulates the manner in which the Owner and Occupier of Land must present Mobile Waste Bins, Green Organics Bins and Recyclables Bins for collection.

Hard Waste Collection

A new clause 7.5 has been added to the proposed Local Law which prohibits a person from placing Hard Waste on a Road, Nature Strip or Public Place unless Council has accepted a booking for collection.

Maintenance of Waste, Organic and Recyclables Bins

A new clause 7.7 has been added to the proposed Local Law which requires the Owner and Occupier of Land to maintain Mobile Waste Bins, Green Organics Bins and Recyclables Bins to a specified standard.

Number of Animals

A new clause 8.1 of the proposed Local Law:

- consolidates the categories of Land to which Animal numbers apply to:
 - 'Residential Area'
 - 'Rural Area up to 2 Hectares'
 - Rural area 2 to 4 Hectares
 - 'Rural Area over 4 Hectares'
- varies the number of Animals that may be kept on each category of Land from that contained in clause 38.1 of the current Local Law
- replaces the exemption for Animals kept and used for, or in connection with, farming purposes under clause 38.2 of the current Local Law with a broader exemption in clause 8.1(b) of the proposed Local Law for Animals kept in accordance with the Scheme

Animal Enclosures

A new clause 8.5(a) prohibits a person from constructing an enclosure in which poultry is kept within 10 metres of a dwelling.

Stables

Clause 8.6 of the proposed Local Law reduces the restrictions on the construction of stables that appear in clause 40 of the current Local Law.

Fires and Fire Hazards

Clauses 21.4 and 21.5 of the current Local Law have not been replicated in the proposed Local Law to the extent that they relate to an officer of Victoria Police or a member of the Country Fire Authority to avoid duplication of offences created by the Summary Offences Act 1966 and the Country Fire Authority Act 1958.

PART D – Comments on proposed Local Law overall

<p>Measures of success of proposed Local Law</p>	<p>The measure of success of these proposed Local laws will be</p> <ul style="list-style-type: none"> • The success they have in improving the areas that are currently highlighted as of concern • The level of community satisfaction with community safety resulting from the local laws • The ability to deal effectively with justified complaints from the public that cannot be dealt with under other legislation. <p>Council will measure that success as follows:</p> <ul style="list-style-type: none"> • Recording levels of compliance/non-compliance using inspection data • Review of enforcement actions taken, including official warnings, notices to comply, infringements and direct prosecutions • Volume of complaints.
<p>Existing legislation which might be used instead</p>	<p>The proposed Local Law will supplement existing State legislation administered and enforced by Council. Council will continue to rely on the provisions of the:</p> <ul style="list-style-type: none"> • Environment Protection Act 1970 with regard to commercial and industrial noise • Public Health and Wellbeing Act 2008 for the control of nuisances where an activity does not require a permit.
<p>State legislation more appropriate</p>	<p>In circumstances where Council has considered State legislation is more appropriate to deal with particular issues, clauses of the existing Local Law have not been replicated in the proposed Local Law in favour of relying on the State legislation.</p>
<p>Overlap of existing legislation</p>	<p>Existing State legislation deals with the following issues which are also dealt with in some general circumstances by the proposed Local Law:</p> <ul style="list-style-type: none"> • dust and noise – Environment Protection Act 1970 • Public Places, Roads and Council Land – Works and/or Usage – Road Management Act 2004 • Septic Systems – Environment Protection Act 1970. <p>Council is satisfied that the provisions of the proposed Local Law supplement the State legislation without duplicating, overlapping or creating any inconsistency.</p>
<p>Overlap of Planning Scheme</p>	<p>Council does not believe that the Local law overlaps, contradicts, duplicates or causes any inconsistency with the Moorabool Planning Scheme.</p>
<p>Risk assessment</p>	<p>Council adopted a general risk based approach to the review and development of the proposed Local Law.</p>

<p>Legislative approach adopted</p>	<p>Council believes in the minimum imposition on the community through the proposed Local Law.</p> <p>The proposed Local Law reflects this approach by providing for:</p> <ul style="list-style-type: none"> • Reasonable penalties • A minimal number of provisions which create offences • Where possible, provision for permits rather than prohibition of activities. <p>Council has ensured that the proposed Local Law:</p> <ul style="list-style-type: none"> • Is expressed plainly and unambiguously and in a manner which is consistent with the language of the enabling Act and in accordance with modern standards of drafting applying in the State of Victoria • Is not inconsistent with the principles, objectives or intent of the Act • Does not make unusual or unexpected use of the powers conferred by the enabling Act under which the proposed Local Law is made having regard to the general objectives, intention or principles of that Act • Does not embody principles of major substance or controversy or constrain any matter which principles or matter should properly be dealt with by an Act and not by subordinate legislation • Does not unduly trespass on rights and liberties of the person previously established by law • Does not unduly make rights and liberties of the person dependent upon administrative and not upon judicial decisions • Is not inconsistent with principles of justice and fairness • Does not overlap or conflict with other statutory rules or legislation.
<p>Restriction of competition</p>	<p>Council has conducted a review of the proposed Local Law in accordance with the National Competition Principles and believes that, because of the nature and content of the proposed Local Law, and particularly the ability to obtain permits to conduct activities that would otherwise be prohibited, there is no restriction of competition.</p> <p>Even if competition is restricted in some instances, the benefits of the restriction to the community as a whole outweigh the costs.</p> <p>The objectives of the proposed Local Law cannot be achieved in any other way.</p>

<p>Penalties</p>	<p>All offences created under the proposed Local Law attract a maximum penalty of:</p> <p>20 penalty units for an offence 2 penalty units for a continuing offence,</p> <p>with varying infringement penalties prescribed in Schedule 3 to the proposed Local Law.</p> <p>Council has compared the general level of penalties provided for in the proposed Local Law with the Local Laws of other like and neighbouring councils.</p> <p>Council is satisfied that penalties are similar in nature and amount to like and neighbouring councils and are sufficient to act as a deterrent for most offences while also reflecting the seriousness of those offences.</p>
<p>Permits</p>	<p>A number of provisions in the proposed Local Law require Permits to be obtained for a variety of different activities. The Permits are for a variety of reasons including the protection of Council Assets, the management of Council Land and the protection of the local amenity.</p>
<p>Fees</p>	<p>The proposed Local Law allows Council to set fees annually and this will be done as part of the budget process.</p>
<p>Performance standards or prescriptive</p>	<p>Council has adopted a mix of both prescriptive and performance standards in its approach to the proposed Local Law. Within the permit process the ability to demonstrate compliance through performance standards exists as does the ability to obtain one by meeting set standards.</p>
<p>Comparison with neighbouring and like councils</p>	<p>In drafting the proposed Local Law, Council examined the Local Laws of the neighbouring councils.</p> <p>The purpose of conducting this exercise was to assess the similarities and differences between the councils to ensure a best practice approach was adopted in the drafting of the proposed Local Law</p>
<p>Charter of Human Rights</p>	<p>Council considered the relevant provisions of the Victorian Charter of Human Rights and Responsibilities Act 2006 in the development of the Proposed Local Law to ensure that it does not encroach upon a person's basic human rights, freedoms and responsibilities.</p> <p>As a public authority, Council appreciates its obligation to ensure that Local Laws are interpreted and applied consistently with human rights. Council has assessed the proposed Local Law for compatibility with the Charter and has found no inconsistencies.</p> <p>The limitations are legitimate, reasonable and proportionate to the objectives and values of a free and democratic society.</p>
<p>Consultation meetings</p>	<p>Initial consultation has already been undertaken through a 'have your say' campaign.</p> <p>Further direct consultation will occur with residents, stakeholders and local businesses to ensure that they are able to have input into the review process.</p>

Submissions	<p>A submission process will be conducted in accordance with the legislative requirements prescribed under Section 223 of the Act.</p> <p>In summary, that process requires Council to publish a public notice calling for written submissions in relation to the proposed Local Law. Those submissions must then be considered by Council before it decides whether to make the proposed Local Law.</p>
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Attachment Item - 11.2.1c



MOORABOOL SHIRE COUNCIL
CENTRAL RECORDS

15 July 2019

16 JUL 2019

File No. 04/02/012

To: The Mayor and Councillors,
Moorabool Shire Council.
(Attention – Mr Andy Gaze)

Dear Madam and Sirs,

As a ratepayer of Moorabool Shire, I wish to comment on the proposed changes to Community Local Law No. 1, regarding Clause 6.7 – Shipping Containers.

I understand and approve of the context of the proposed law to maintain a high standard of the Shire amenities.

Further to my previous letter of 22 July 2018 to the Shire, it is my opinion that we ratepayers who own existing shipping containers, which have been in place for some time and which do NOT breach Clauses 6.7(b) and (c), should not be required to apply and pay for permits to retain the said containers. Nor should Clauses 6.7(d) and (e) be applicable to shipping containers already on site and not in breach of 6.7(b) and (c).

However, my opinion is that, where existing shipping containers are placed in breach of the proposed changes, these should be dealt with through the Shire's jurisdiction regarding the new Community Local Law No. 1.

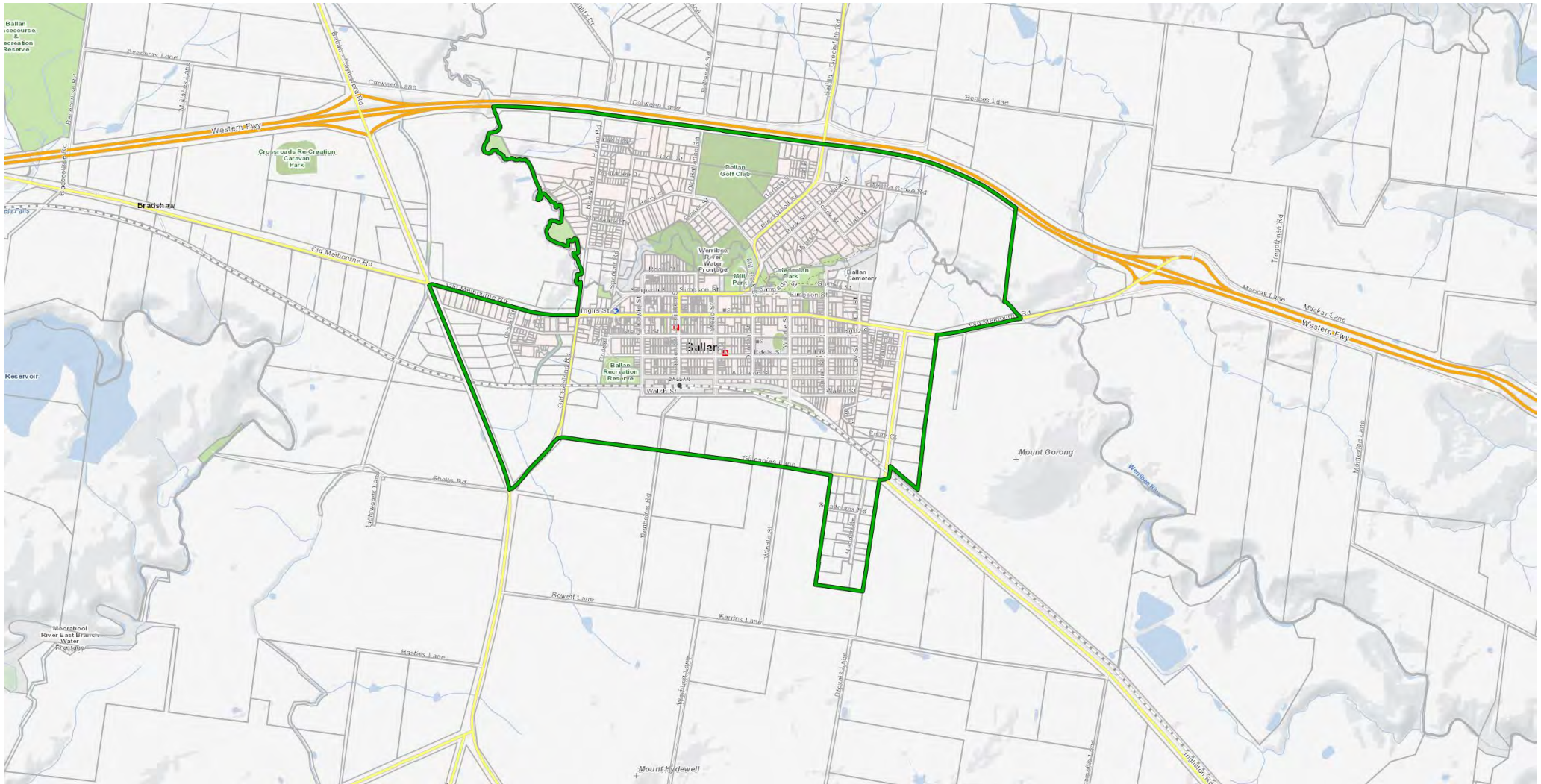
I request that you take my constructive comments into consideration, and await your response.

Yours faithfully,



Attachment Item - 11.2.1d

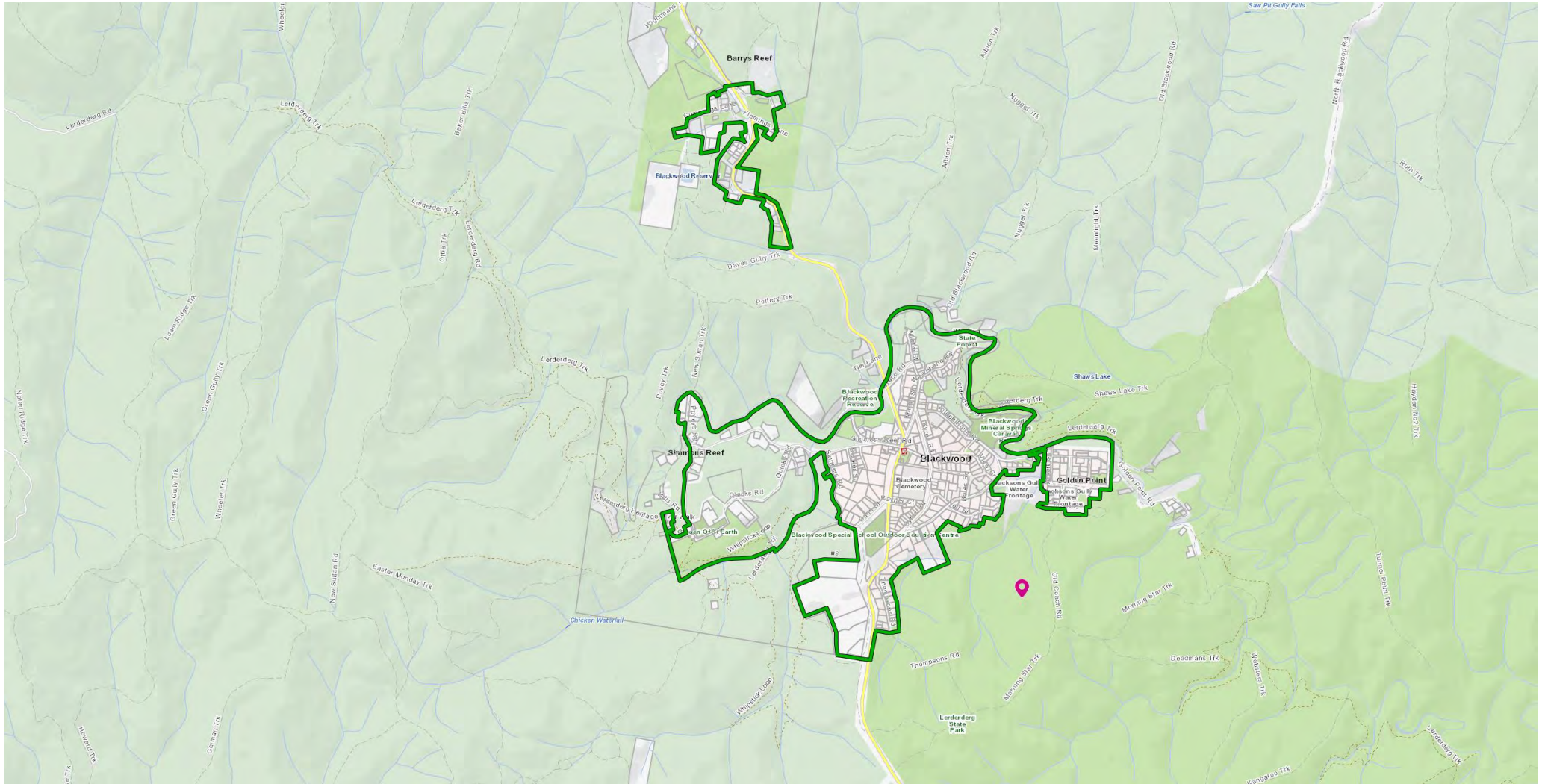
Ballan Township Boundary Map



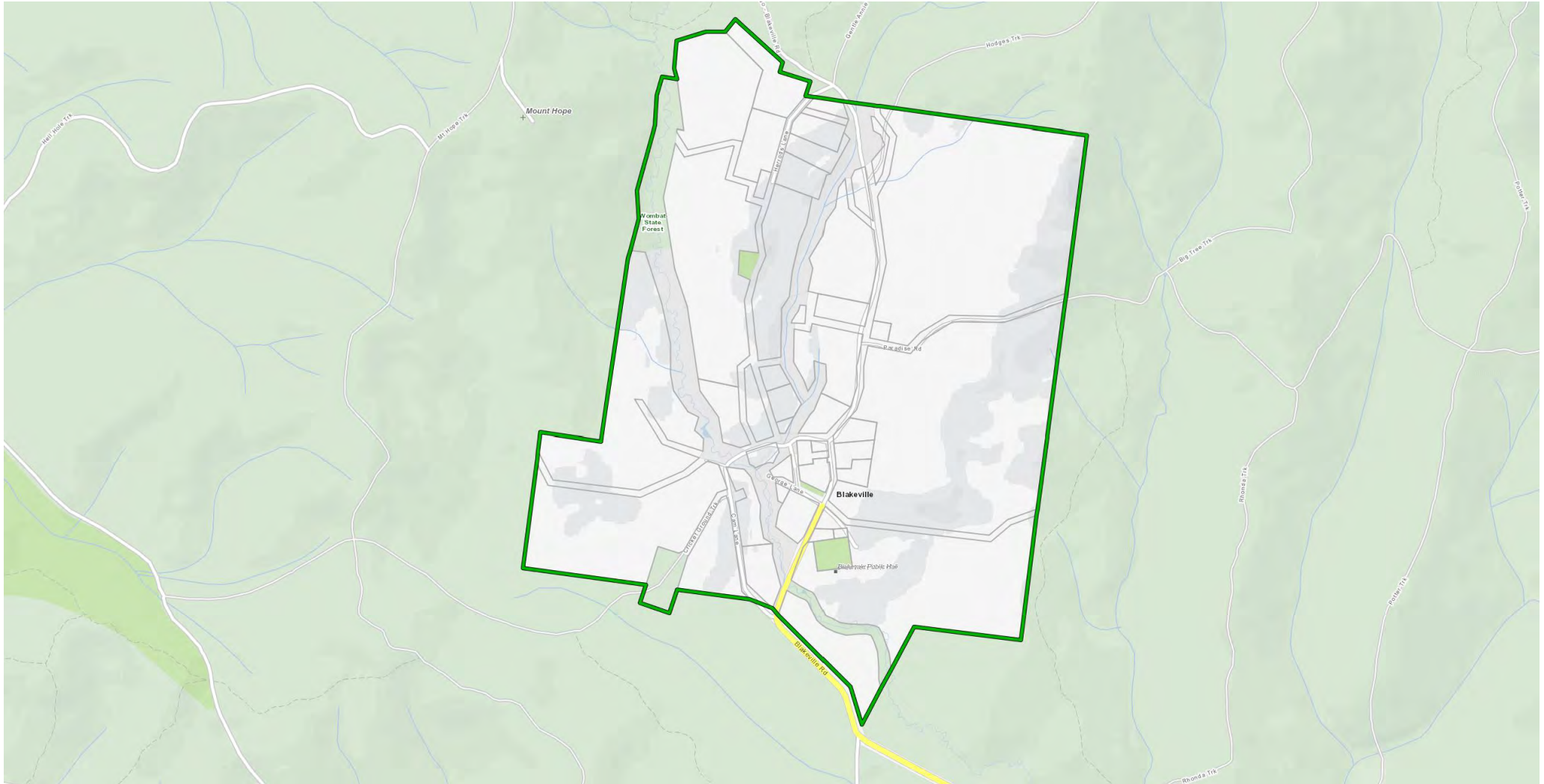
Greendale Township Boundary Map



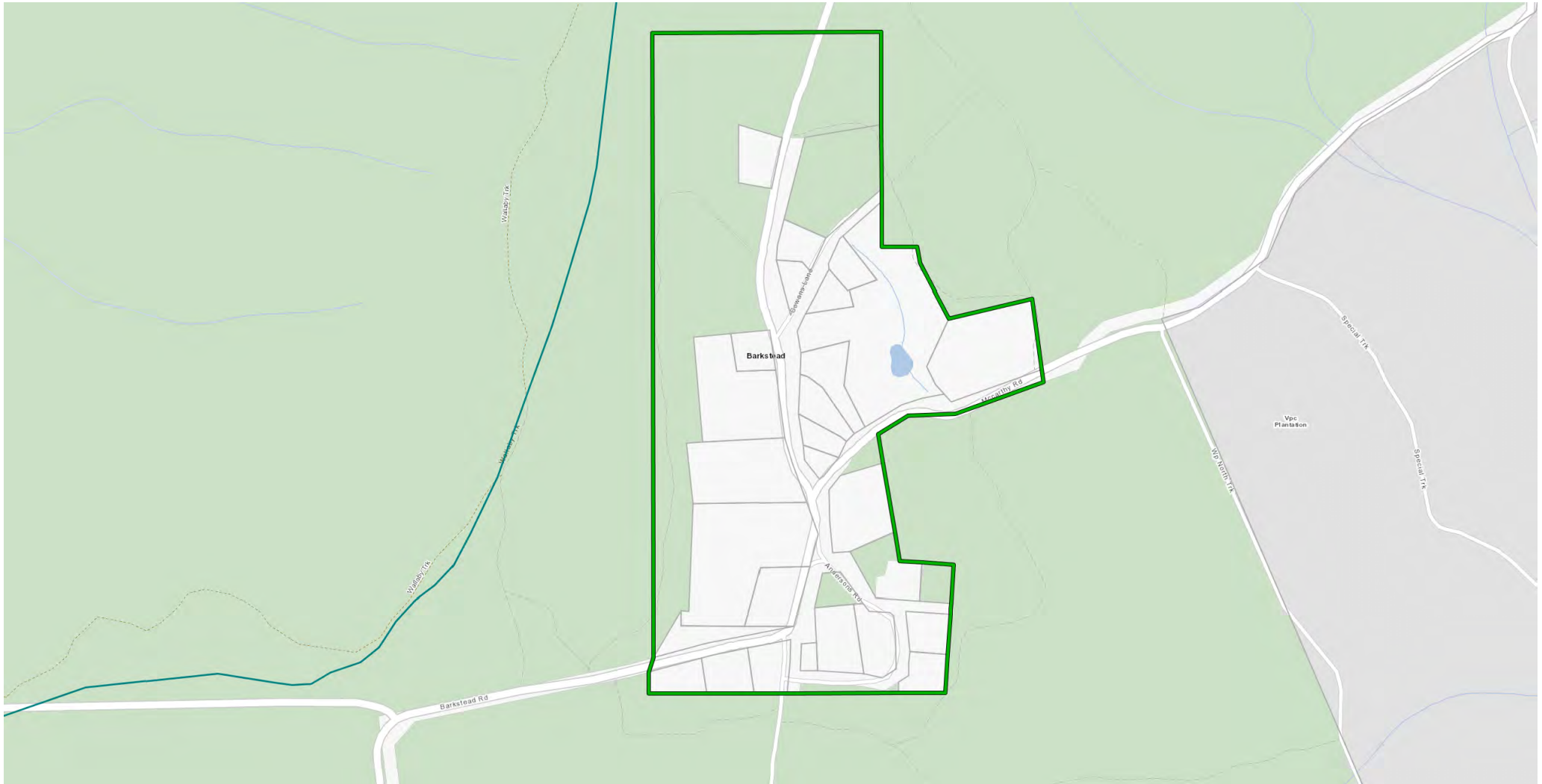
Blackwood and Barrys Reef Townships Boundary Map



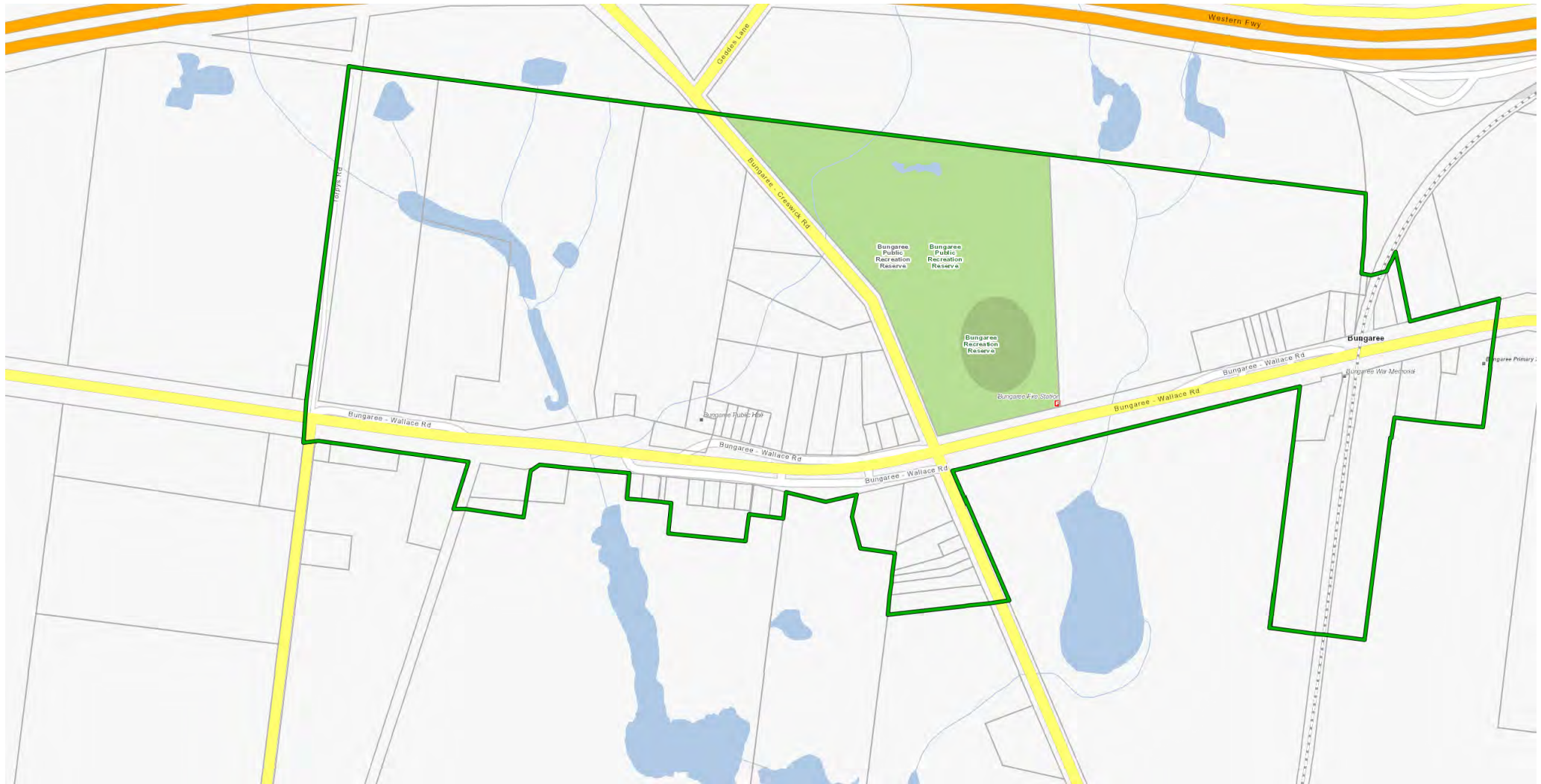
Blakeville Township Boundary Map



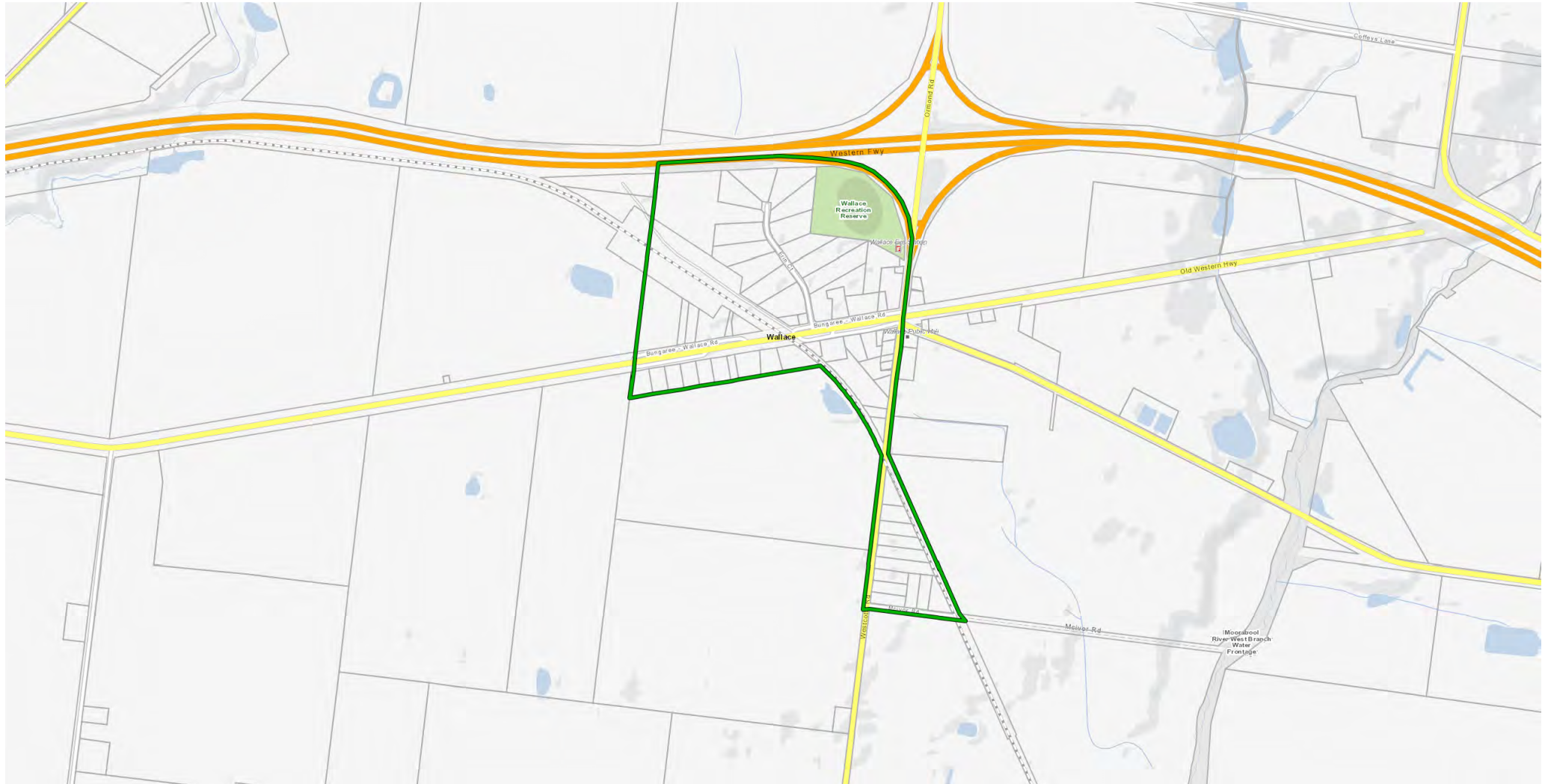
Barkstead Township Boundary Map



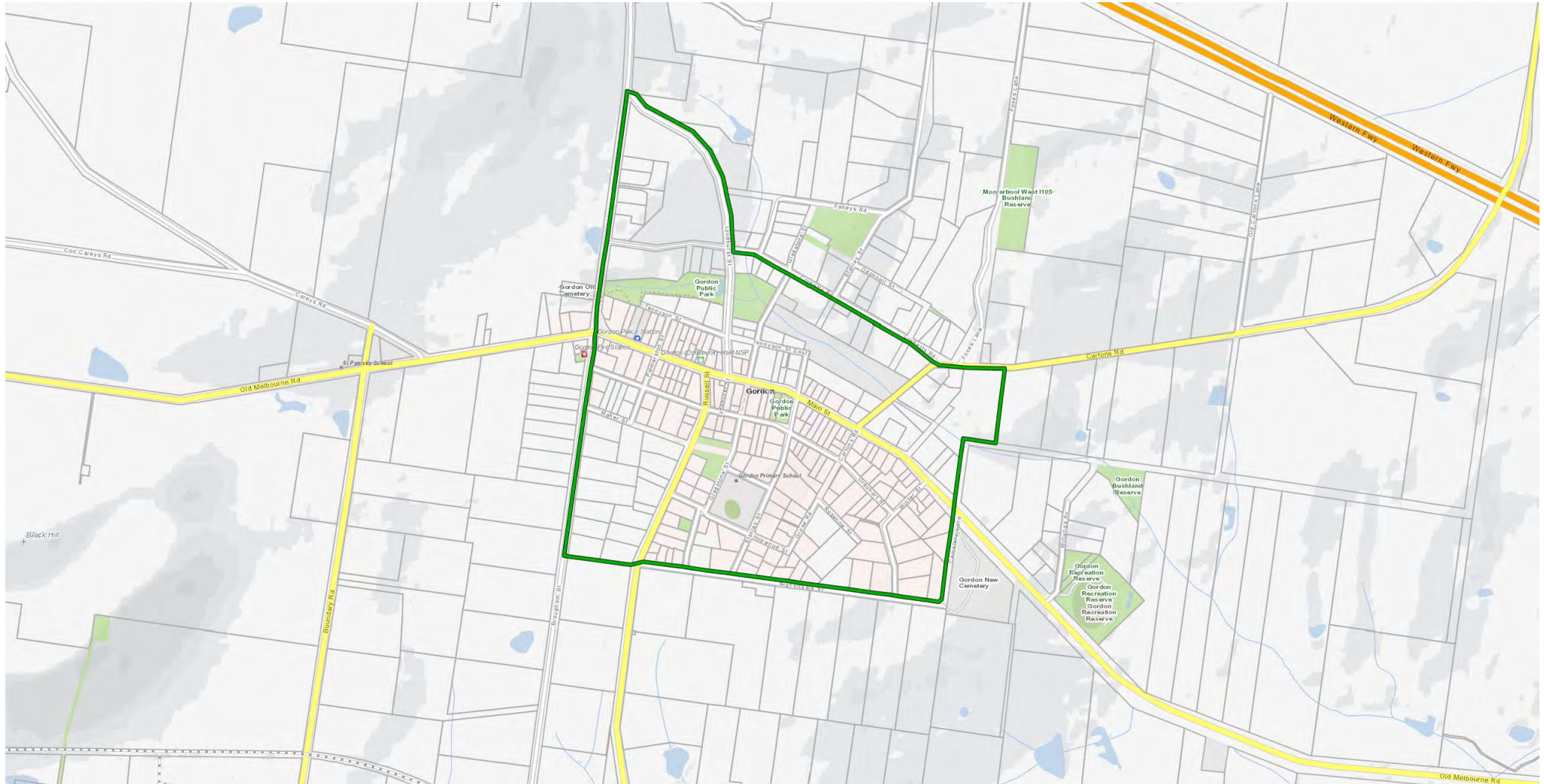
Bungaree Township Boundary Map



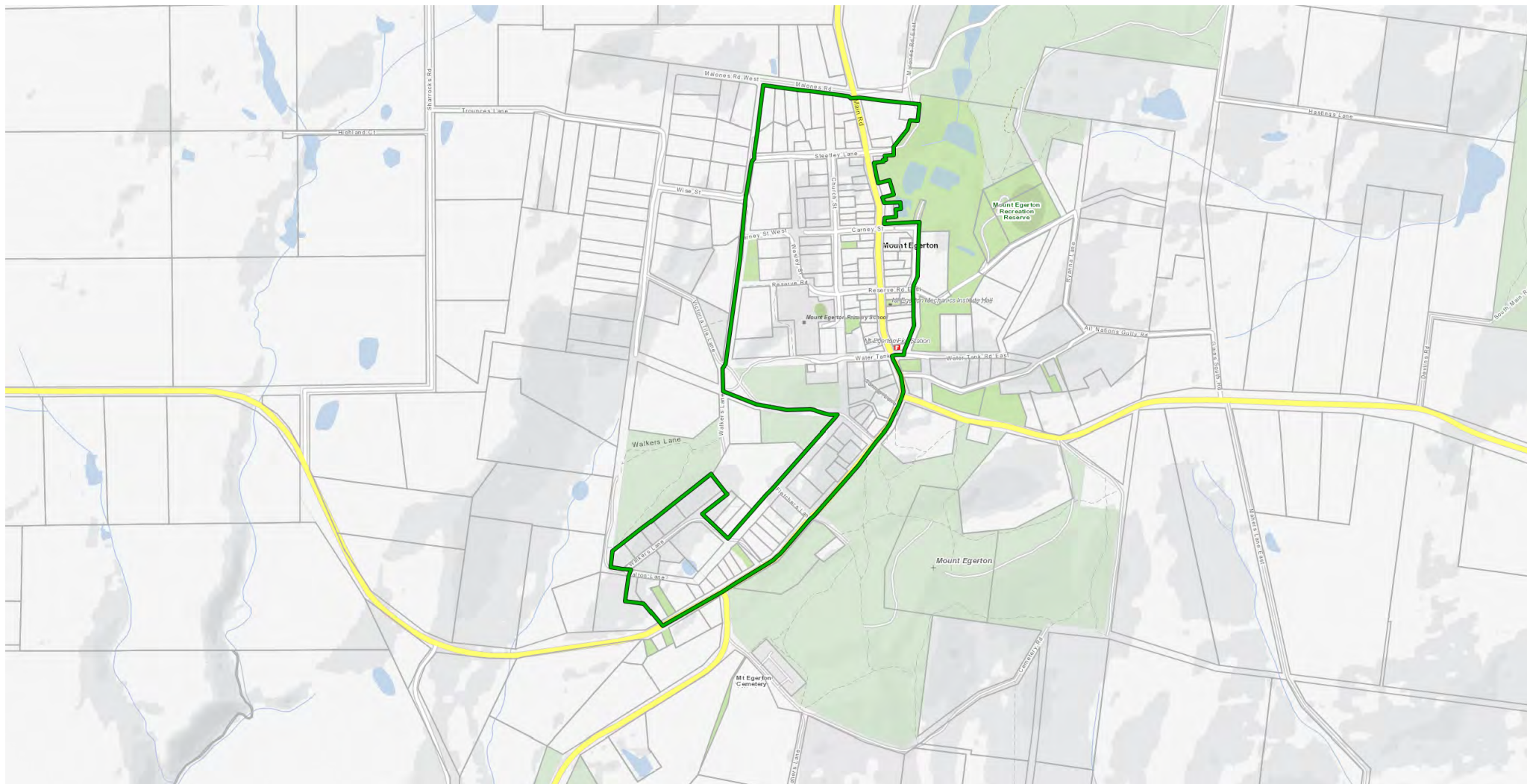
Wallace Township Boundary Map



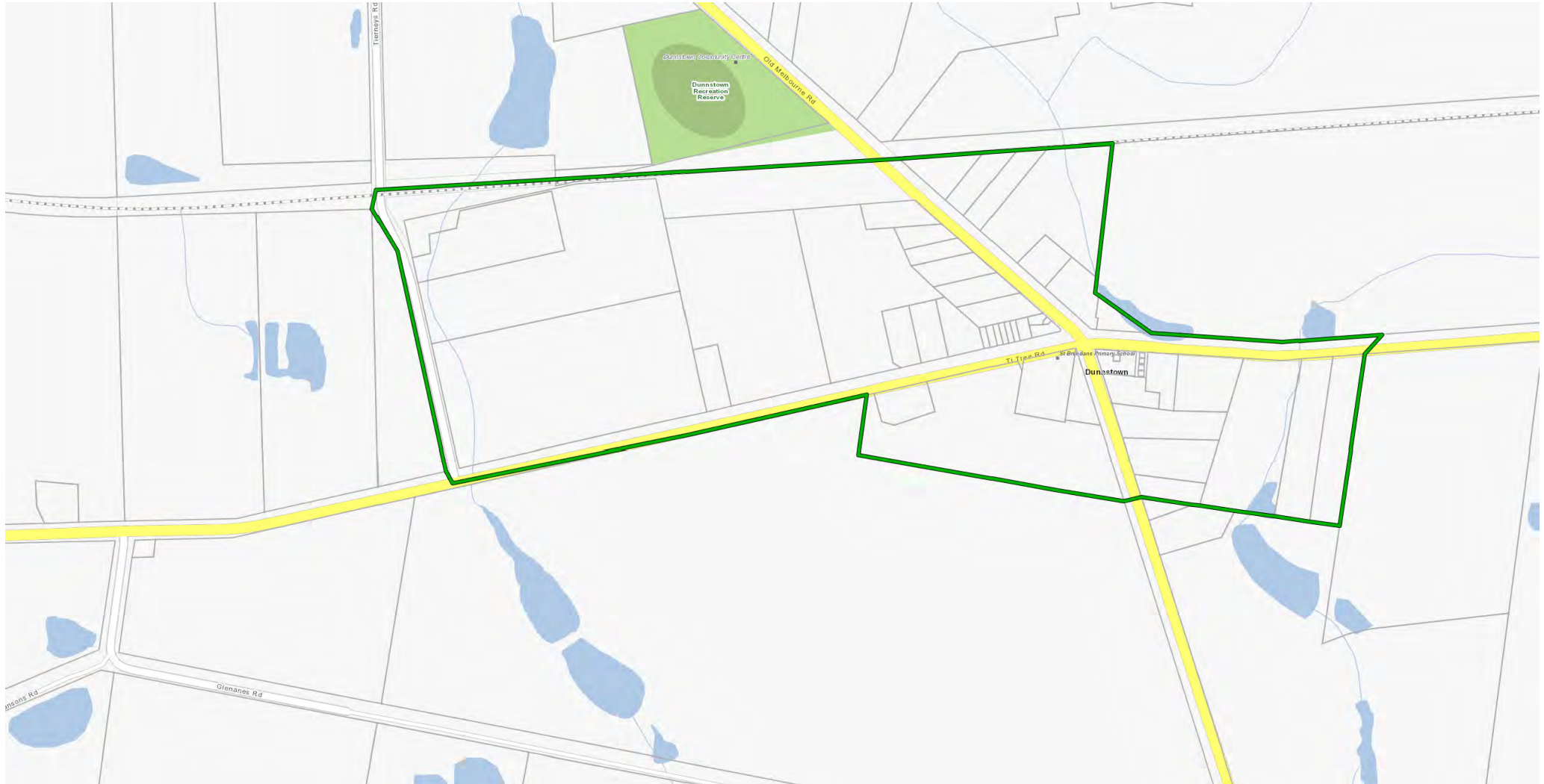
Gordon Township Boundary Map



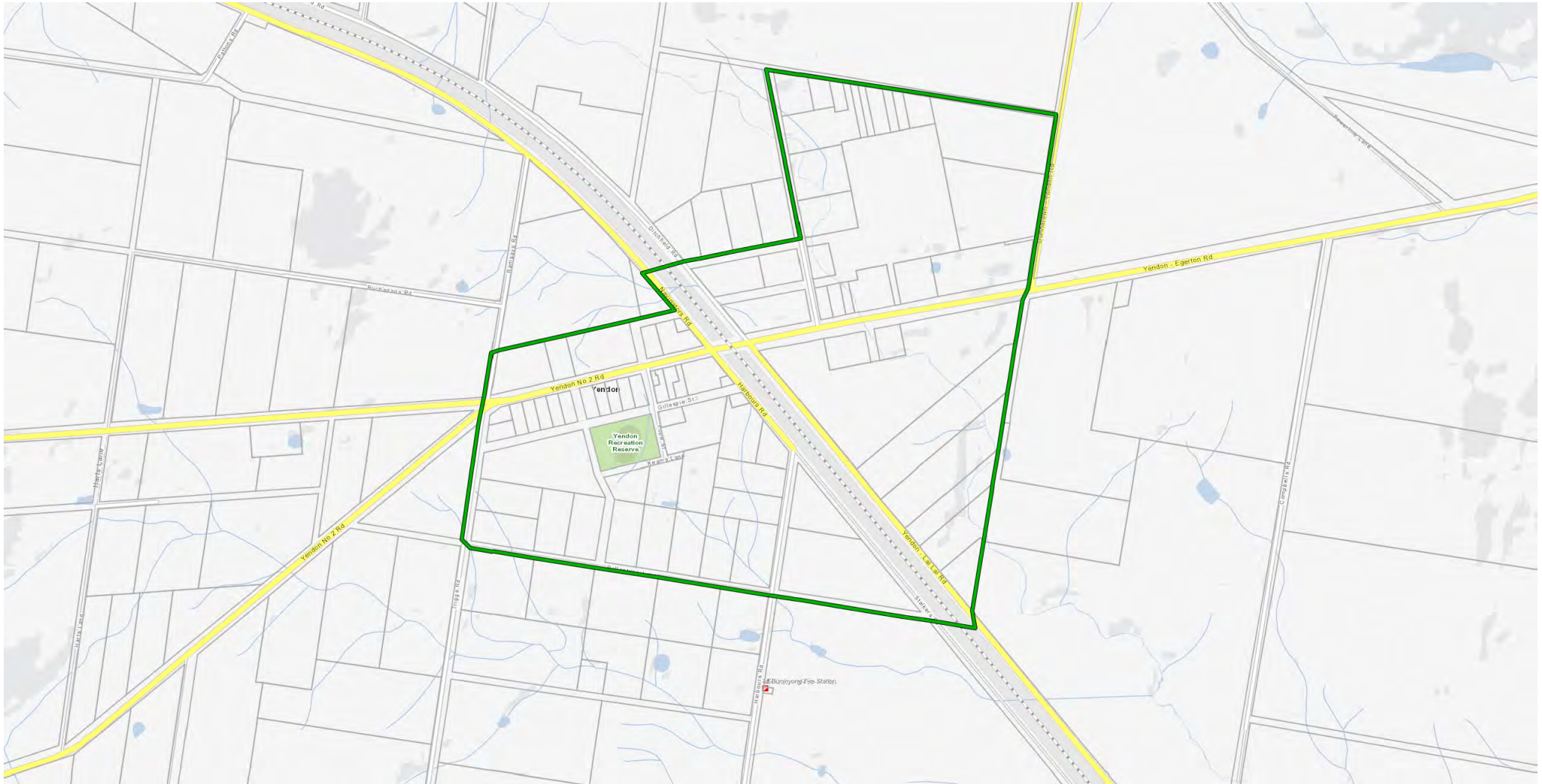
Mount Egerton Township Boundary Map



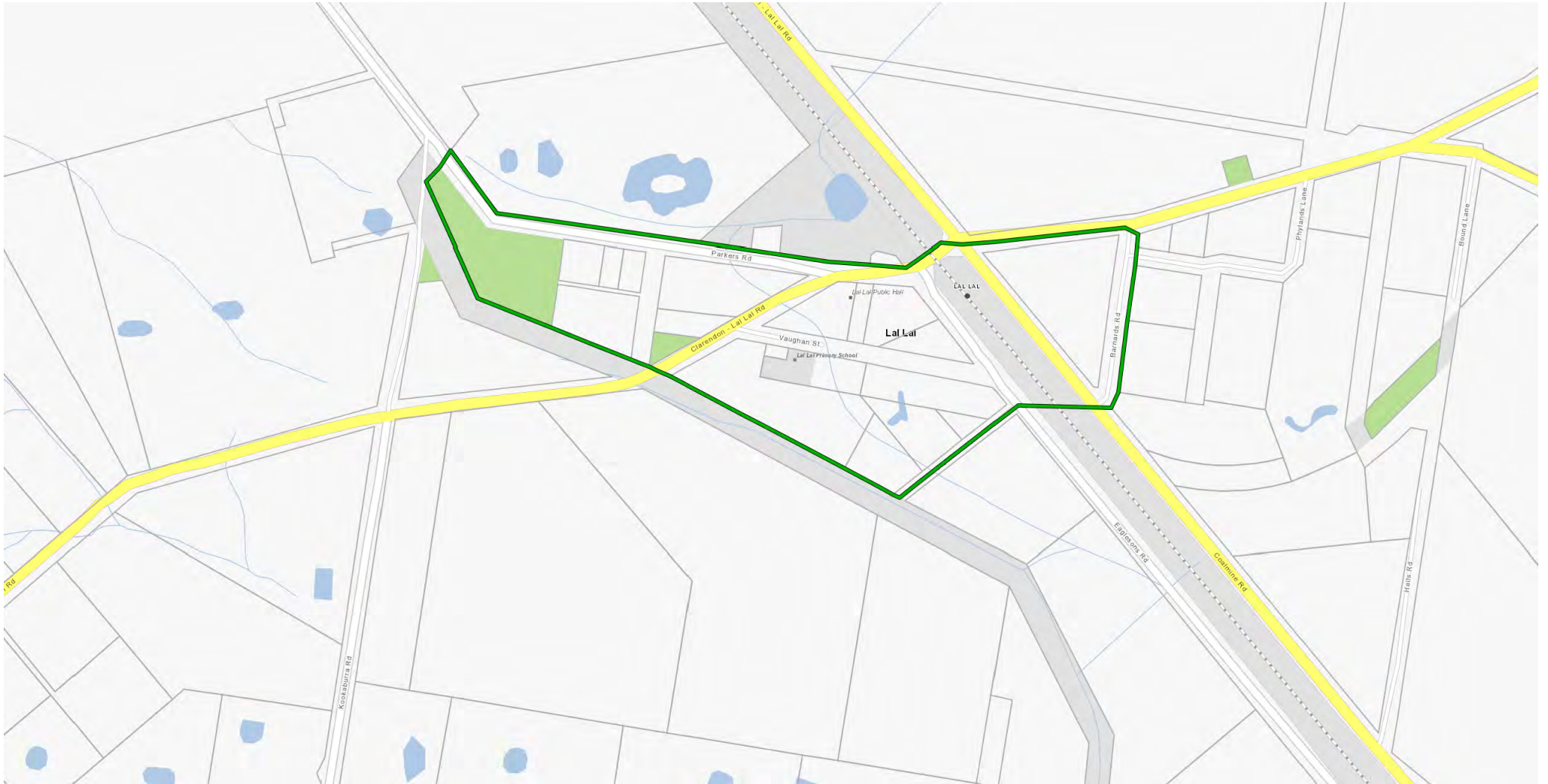
Dunnstown Township Boundary Map



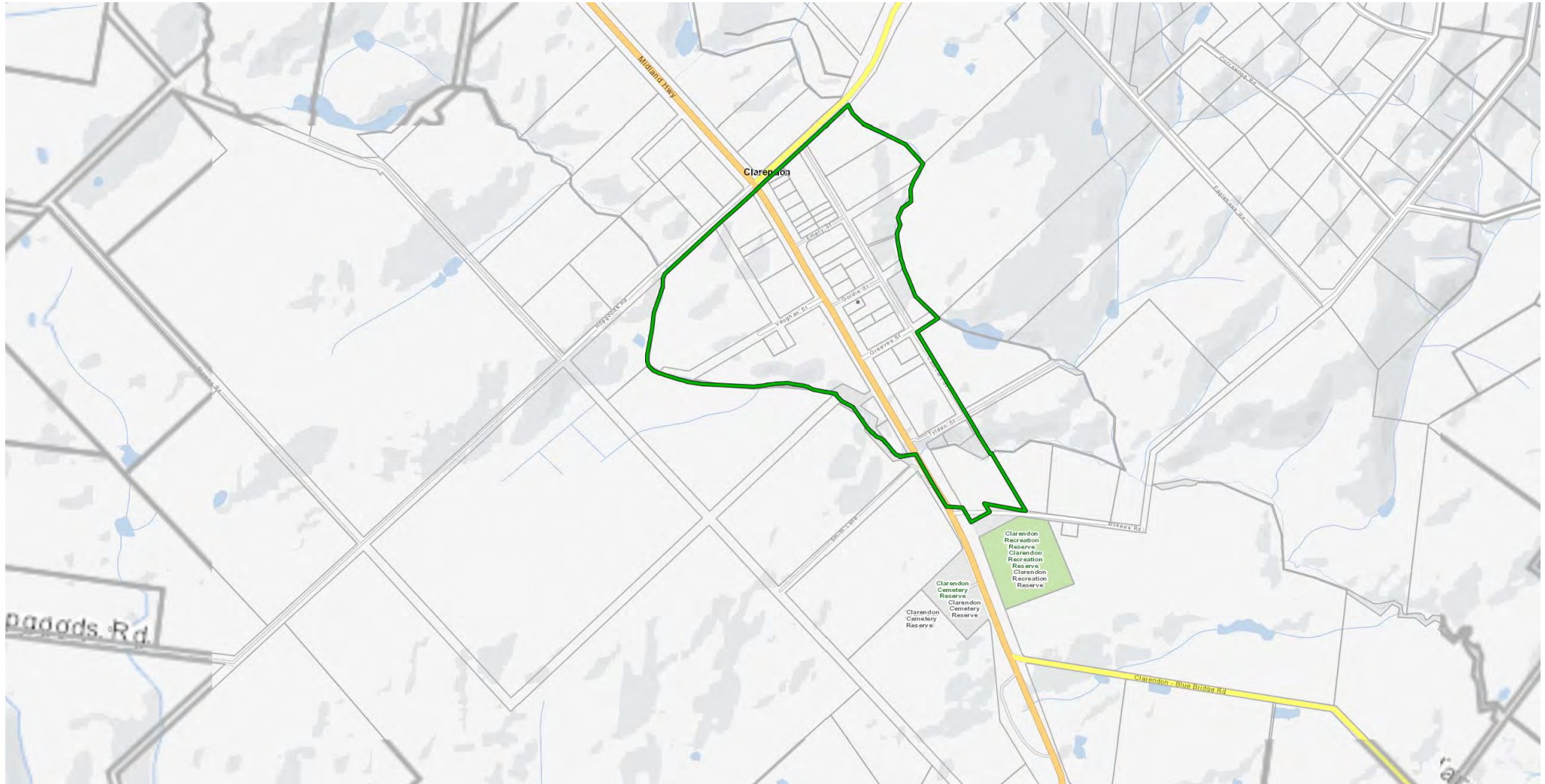
Yendon Township Boundary Map



Lal Lal Township Boundary Map



Clarendon Township Boundary Map



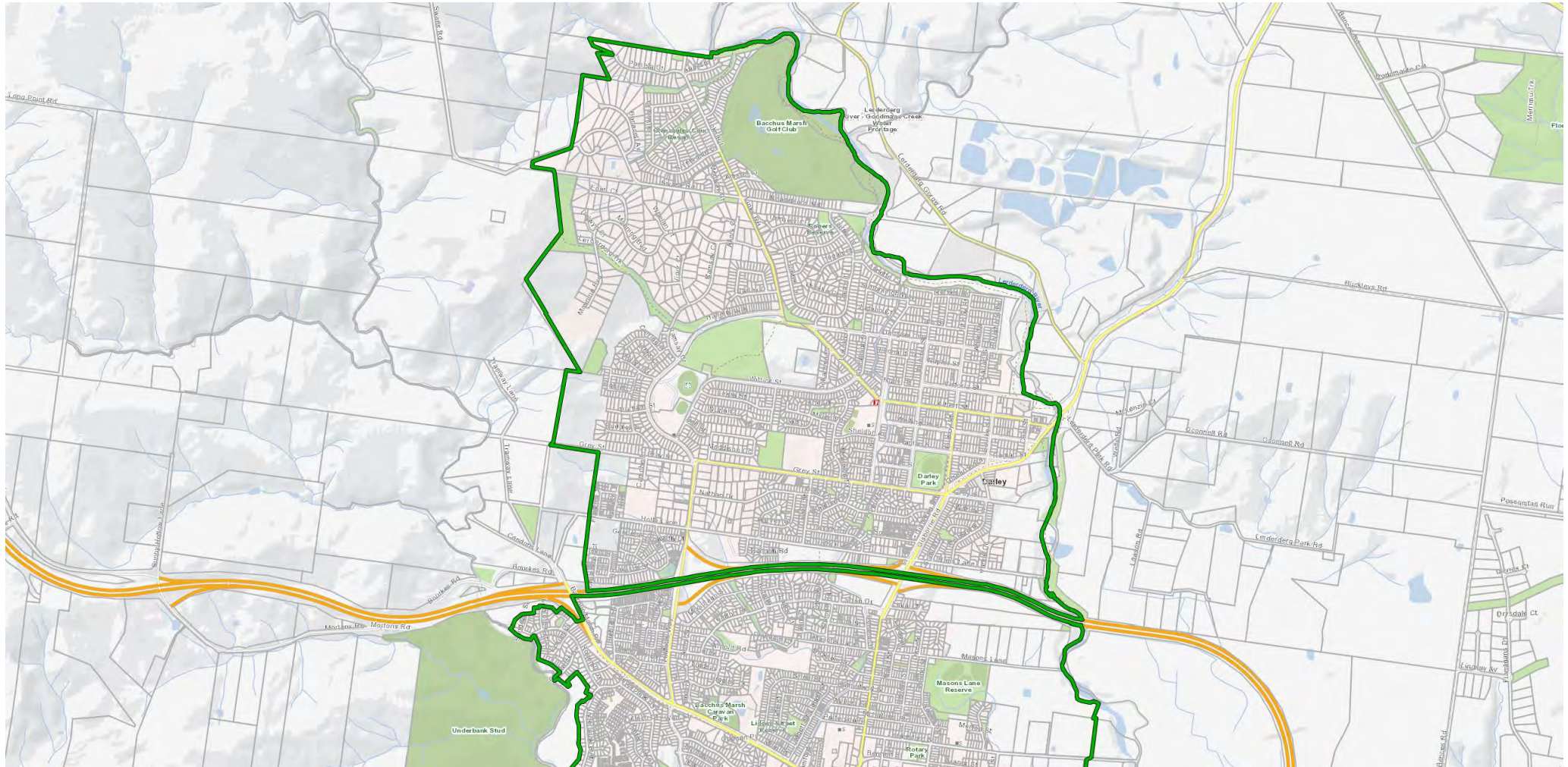
Elaine Township Boundary Map



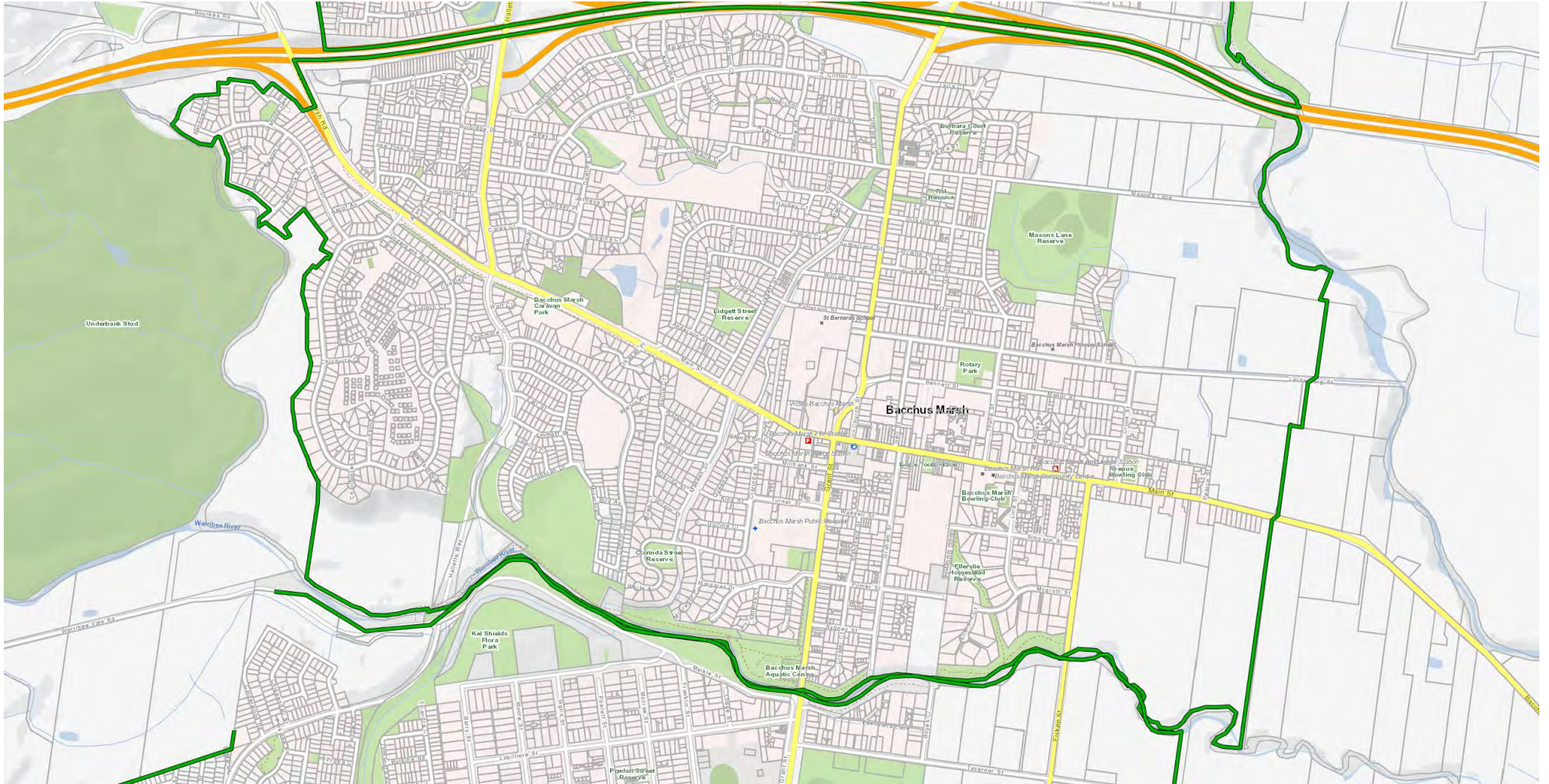
Myrniong Township Boundary Map



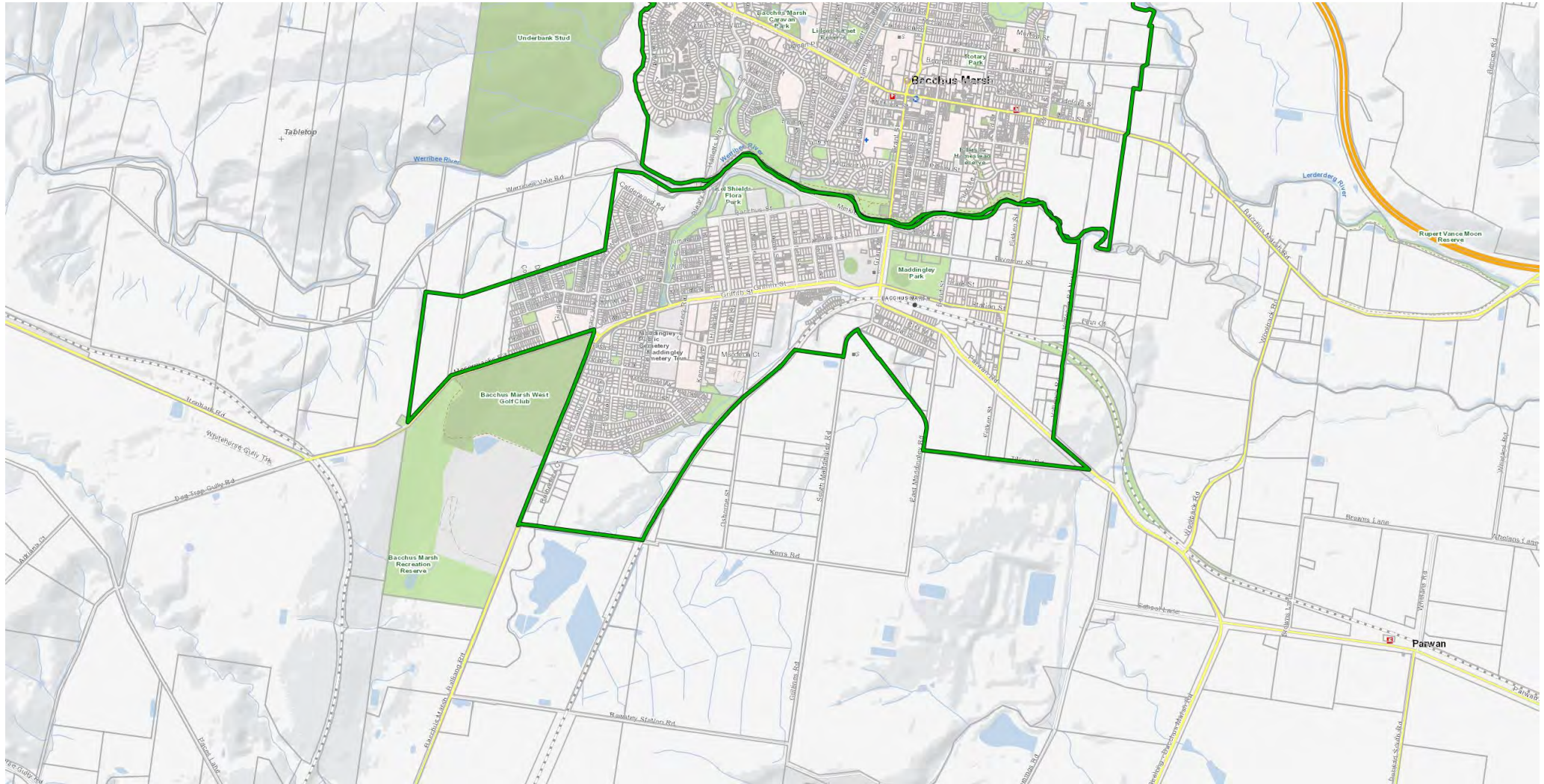
Darley Township Boundary Map



Bacchus Marsh Township Boundary Map



Maddingley Township Boundary Map



11.2.2 Endorsement of the updated Community Infrastructure Planning Process for Community Consultation

Introduction

Author: Raeph Cumming
General Manager: Satwinder Sandhu

Background

The 2017-2021 Moorabool Council Plan has an action to *Finalise the Community Infrastructure Framework* as directed under Strategic Objective 1, which requires Council to maintain and invest in its infrastructure to ensure that it is fit for purpose and that we deliver services to our community.

The first version of the Community Infrastructure Framework ("CI Framework") was adopted by Council in September, 2017. It comprised the following:

Core Documents

- Community Infrastructure Planning Policy and Planning and Design Principles;
- **Community Infrastructure Planning Process;**
- Priority Community Infrastructure Needs report; and
- Community Infrastructure Provision Standards report.

The following supporting Technical Reports (reference documents) were also included:

- Community Infrastructure Audit report;
- Community Infrastructure Needs Analysis (detailed findings);
- Summary of strategic findings;
- Results of the Quantity Assessment; and
- Results of the Travel Accessibility Assessment.

The CI Framework is a collection of documents, data sources, analysis tools, inter-departmental processes and relationships that collectively inform council's planning for community infrastructure. It is intended that the CI Framework should be updated as often as is necessary to respond to changing circumstances, new data (such as updated population forecasts), delivered projects, and the changing needs of a rapidly growing population.

The *Community Infrastructure Planning Process* is one of the key documents of the CI Framework. It articulates the methodology underpinning the Framework and explains how its various components work together.

Since adoption of the first iteration of the Framework in September 2017 further work has been undertaken and the *Community Infrastructure Planning Process* was updated. As a consequence, the supporting documentation, assessments and outputs from the Framework have also been updated. The updated documents are:

1. Community Infrastructure Planning Process (**Attachment 11.2.2**);
2. Strategic Community Infrastructure Priorities report;
3. Part A Needs Analysis: Key Findings and Recommendations main report;
4. Part A Needs Analysis: Key Findings and Recommendations report attachments;
5. Community Infrastructure Provision Standards report;

6. Community Infrastructure Audit report; and
7. Part B Needs Analysis: Detailed assessment data, comprising:
 - Results of the Quantity Assessment;
 - Results of the Utilisation Assessment; and
 - Results of the Travel Accessibility Assessment.

The *Community Infrastructure Planning Policy and Planning and Design Principles* remain unchanged.

Proposal

It is proposed to make the updated *Community Infrastructure Planning Process* (**Attachment 11.2.2**) available for community consultation, together with the supporting documentation for a period of four weeks.

After the public consultation period a report will be brought back to a future Ordinary Meeting of Council. That report will take into account any submissions the Council has received with a recommendation that the Council adopt the *Community Infrastructure Planning Process* at that meeting.

Discussion

By means of introduction, the key dates and outcomes since adopting the Community Infrastructure Framework in September 2017 are summarised below.

Timeline	Actions
October 2017 to August 2018	<ul style="list-style-type: none"> • <i>Community Infrastructure Planning Process</i> updated (refer to table below for details). • Fitness for Purpose Assessments and Utilisation Assessments conducted for in-scope facilities across Moorabool Shire. • Building Condition audits completed for MSC assets and results incorporated into the CI Framework Suitability Assessments. • Community Infrastructure Audit updated with new information.
August 2018 to December 2018	<ul style="list-style-type: none"> • Internal MSC service managers engaged to review updated audit data and revise Quantity and Travel Accessibility standards where required. • Quantity and Travel Accessibility Assessments updated to incorporate new data and updated provision standards. • Internal MSC service managers engaged to review updated needs analyses and key findings.
January 2019 to March 2019	<ul style="list-style-type: none"> • Strategic community infrastructure priorities developed. • Internal MSC service managers engaged to review and sign-off the strategic community infrastructure priorities. • Framework documentation finalised.
June 2019	<ul style="list-style-type: none"> • Draft update to the <i>Community Infrastructure Planning Process</i> and supporting documents presented to Assembly of Councillors.

While the adopted version of the *Community Infrastructure Planning Process* made provision for assessments of Suitability and Capacity and Utilisation, the development of detailed methodology, planning standards and the carrying out of these assessments was to be conducted through an update. This update has now been completed and is discussed below.

Updates to the Community Infrastructure Planning Process

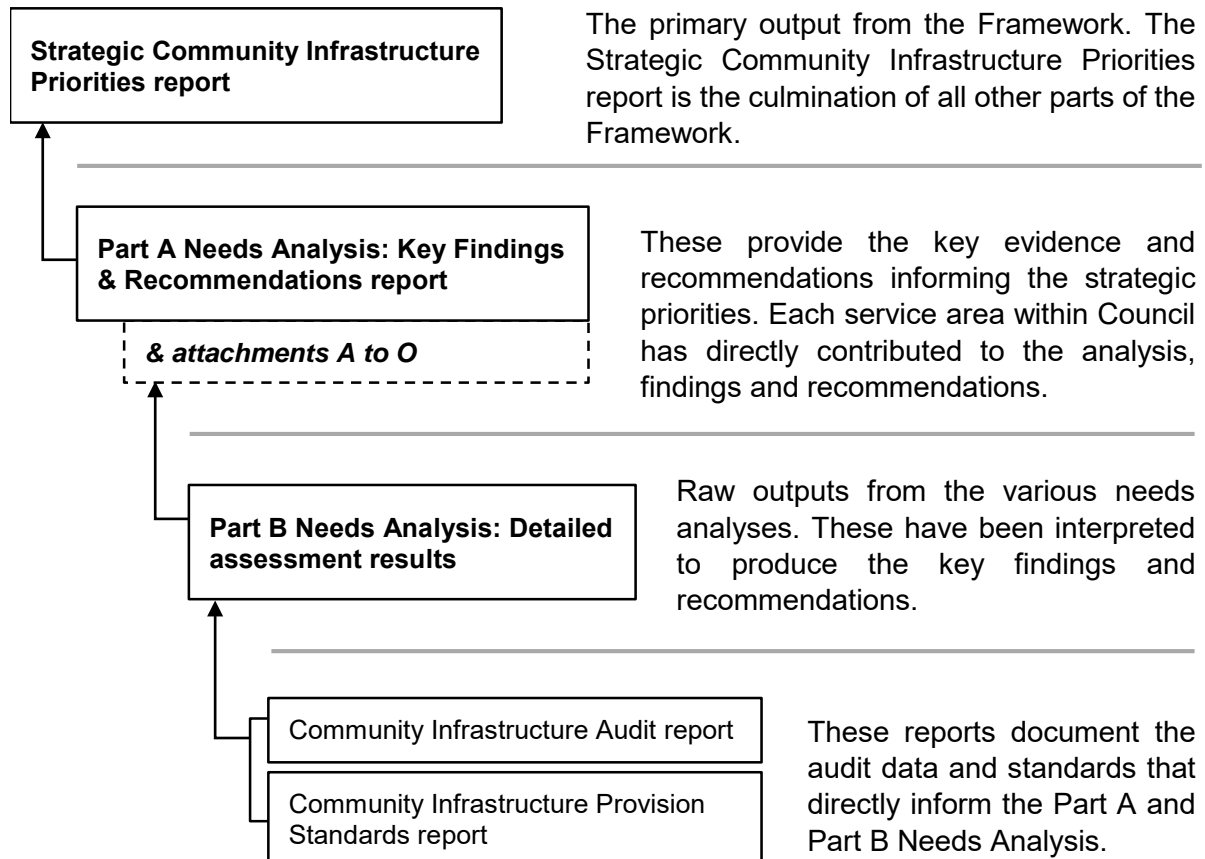
Most sections of the *Community Infrastructure Planning Process* remain unchanged. The main edits and additions made through the update are described in the table below.

Section	Page	Change type	Change
Figure 1: the Community Infrastructure Planning Process diagram.	2	Edit	Edits to diagram layout and document names.
2.1 Continuous improvement.	4	Edit	Text changed to clarify the iterative nature of how updated to the Planning Process and the Community Infrastructure Framework will be made.
2.2 Scope of 'Community Infrastructure'.	5	Edit	Added the uses 'Seniors groups' (Age and Disability Category) and 'Multipurpose community rooms' (Community Spaces and Library's category).
2.3 Integrated service and infrastructure planning.	6	New section	Identifies the key functions of Council that the Planning Process takes account of or integrates with: <ul style="list-style-type: none"> • Service planning/Service review. • Social planning and research. • Strategic planning. • Asset management. • Capital Improvement Program (CIP).
<i>2.3.1 Integration with the Service Planning and Service Review functions.</i>	8	New section	Describes the relationship between Community Infrastructure Planning and the Service Planning and Service Review functions.
<i>2.3.2 Integration with the Asset Management function.</i>	9	New section	Describes the relationship between Community Infrastructure Planning and the Asset Management function.
<i>2.3.3 Integration with the Strategic Planning function.</i>	9	New section	Describes the relationship between Community Infrastructure Planning and the Strategic Planning function.
<i>2.3.4 Integration with the Capital Improvement Program.</i>	10	New section	Describes the relationship between Community Infrastructure Planning and the Capital Improvement Program.

Section	Page	Change type	Change
<i>2.4.1 Framework coordination.</i>	10	Edit	Additional bullet points under the role of the Framework Coordinator.
<i>2.4.3 Internal community service managers.</i>	11	Edit	Minor changes to the role of Internal community service managers.
<i>6.5 The Suitability Assessment.</i>	26	New section	Describes the Suitability Assessment.
<i>6.5.1 Building Condition audits.</i>	26	New section	Describes how building condition audit inform the Suitability Assessment.
<i>6.5.2 Fitness for Purpose assessments.</i>	27	New section	Describes how fitness for purpose assessments will be designed and conducted and how they will inform the Suitability Assessment.
<i>6.5.3 Building Condition and Fitness for Purpose Standards.</i>	28	New section	Makes provision for the future development of minimum building condition and fitness for purpose standards.
<i>6.6 The Utilisation Assessment.</i>	28	New section	Describes the Utilisation Assessment.
<i>7. Service-based Needs Prioritisation.</i>	30	Edit	Update to the description of the Service-based Needs Prioritisation Stage.
<i>8. Strategic Project Prioritisation.</i>	30	Edit	Update to the description of Strategic Project Prioritisation Stage.
<i>Appendix A: Infrastructure type definitions.</i>	32	Edit	Various definitions amended to improve clarity.
<i>Appendix B: Example Fitness for Purpose Assessment templates.</i>	36	New appendices	Example assessment templates added for the Fitness for Purpose Assessment.

Document Hierarchy

The various Framework documents broadly conform to the following hierarchy, with documents higher up the list having been directly informed by documents lower down the hierarchy:



Key Findings and Priorities

The *Strategic Community Infrastructure Priorities* report is the primary and 'highest-level' output from the Framework; it is the culmination of following the updated *Community Infrastructure Planning Process*.

Every recommendation in the *Strategic Community Infrastructure Priorities* report is informed by key findings summarised in the *Needs Analysis Key Findings and Recommendations* report. Councillors are advised to refer to this report for further explanation of the evidence behind the *Strategic Community Infrastructure Priorities* report.

The key findings in the *Needs Analysis Key Findings and Recommendations* report are drawn from detailed analyses reported through a series of attachments to that report.

The other supporting documents provide the data and planning standards upon which all needs analyses have been performed.

Policy Implications

The Council Plan 2017-2021 provides as follows:

- Strategic Objective 1:** Providing good governance and leadership
- Context 1A:** Our assets and infrastructure
- Action 7:** Finalise the Community Infrastructure Framework

The proposal to endorse the updated *Community Infrastructure Planning Process* for community consultation is consistent with the Council Plan 2017 – 2021.

Financial Implications

No direct financial implications arise from endorsing the update to the *Community Infrastructure Planning Process*. The supporting *Strategic Community Infrastructure Priorities report* proposes projects that will need to be fully scoped and costed by the relevant Council service departments and Infrastructure Services. Capital projects will need to be prioritised and scheduled through the Capital Improvement Program.

Risk & Occupational Health & Safety Issues

The updated *Community Infrastructure Planning Process* and supporting documents do not present any known risk or OH&S issues.

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	132 community contacts representing community organisations, sports clubs, service providers and Committees of Management	8 weeks public consultation through Council's Have Your Say website	Online	7 June 2017	2 submissions received

Other than the above public consultation, no direct community engagement on the updated *Community Infrastructure Planning Process* or other supporting documents has been conducted. However, the various assessments of community need have acquired data directly from Reserve Committees of Management, and from service strategies and plans that themselves were subject to community consultation.

Communications and Consultation Strategy

The author has engaged extensively across Council during all stages of preparation of the update to the *Community Infrastructure Planning Process* and supporting documents, meeting several times with relevant service department managers and staff. The author also met directly with 10 committees of management to collect facilities utilisation data and conduct fitness for purpose assessments.

The update to the *Community Infrastructure Planning Process* makes changes to the methodology used to assess community needs and has produced many new findings and recommendations (as reported through the supporting documents). As such, the recommendation of this report is to conduct four weeks public consultation prior to adoption of the update.

Following endorsement, the updated *Community Infrastructure Planning Process* and supporting documents will be provided through Council's website. In addition, shorter summary versions of the list of proposed projects (as reported through the *Strategic Community Infrastructure Priorities* report) will be produced. These will split up the projects into those that are relevant to Darley, Bacchus Marsh and Maddingley, Ballan, and rural towns in the east and west of the Shire.

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 – Raeph Cumming

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

Conclusion

The proposal is to endorse the updated *Community Infrastructure Planning Process* (**Attachment 11.2.2**) for 4 weeks public consultation. Councillors should also note that the following supporting documents will also be made available to the public alongside the draft Planning Process for information purposes:

- Strategic Community Infrastructure Priorities report;
- Part A Needs Analysis: Key Findings and Recommendations main report;
- Part A Needs Analysis: Key Findings and Recommendations report attachments; and
- Community Infrastructure Provision Standards report.
- Community Infrastructure Audit report;
- Part B Needs Analysis: Detailed assessment data.

After the public consultation period a report will be brought back to a future Ordinary Meeting of Council with a proposal to adopt the updated *Community Infrastructure Planning Process*.

Recommendation:

That Council:

1. **Endorse the Community Infrastructure Planning Process (Attachment 11.2.2) for four (4) weeks public consultation:**
 2. **Note that the Community Infrastructure Planning Process will be reported to a future Ordinary Meeting of Council for adoption following the public consultation.**
-

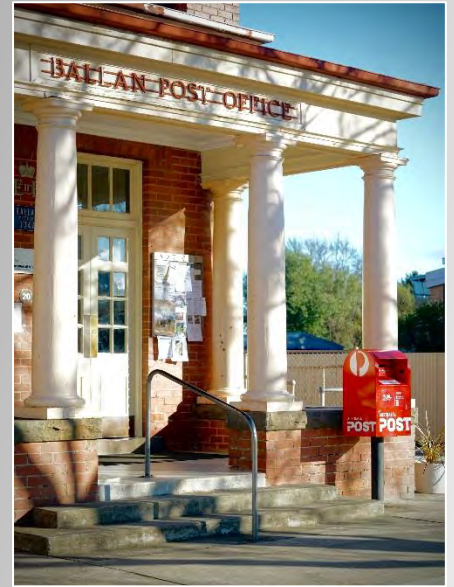
Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Community Planning
Date: Monday 08 July 2019

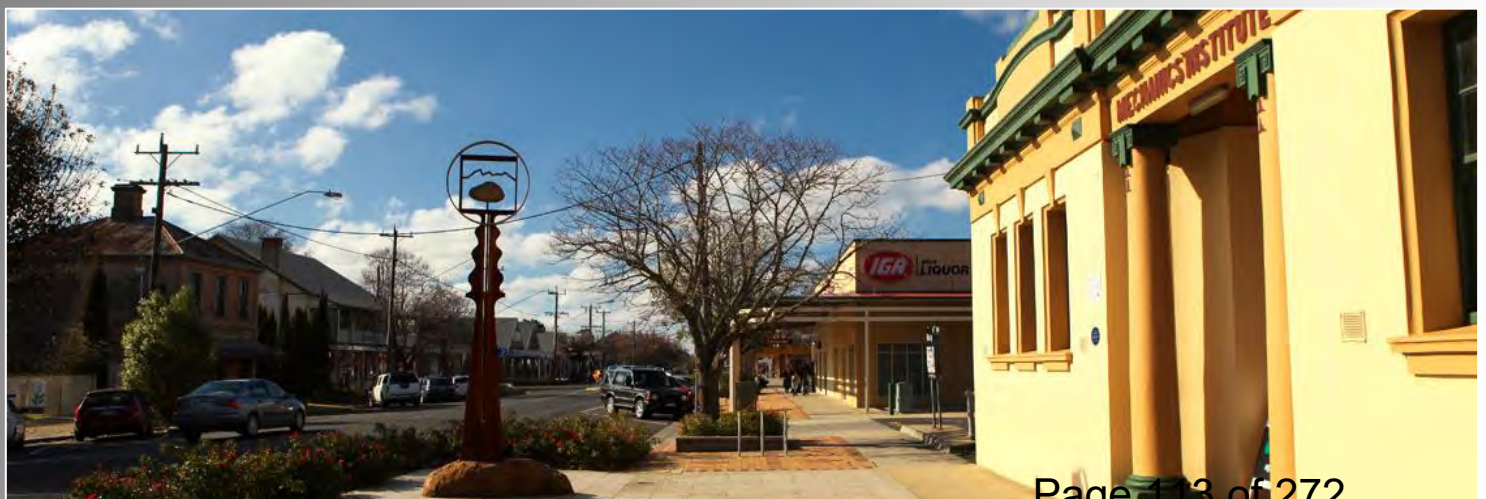


Attachment Item - 11.2.2



Community Infrastructure Framework
Moorabool Shire Council
DRAFT update August 2019

COMMUNITY INFRASTRUCTURE PLANNING PROCESS



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1. Overview

The Community Infrastructure Planning Process ('the Planning Process') describes the approach that Council takes to the planning and delivery of community infrastructure (the definition of which is provided in the Community Infrastructure Planning Policy). The Planning Process is consistent with the Community Infrastructure Planning and Design Principles defined in the Planning Policy.

The Planning Process comprises four Key Stages, with one or more documents produced from each:

1. Community Infrastructure Audit

Published outputs:

- *Community Infrastructure Audit* report

2. Community Infrastructure Needs Analysis

Published outputs:

- *Community Infrastructure Provision Standards* report

3. Service-based Needs Prioritisation

Published outputs:

- *Needs Analysis: Key Findings and Recommendations* report

4. Strategic Project Prioritisation

Published outputs:

- *Strategic Community Infrastructure Priorities* report

The Community Infrastructure Planning Process diagram (Figure 1) provides a summary overview of the Planning Process. Later sections of this document describe the key stages in more detail.

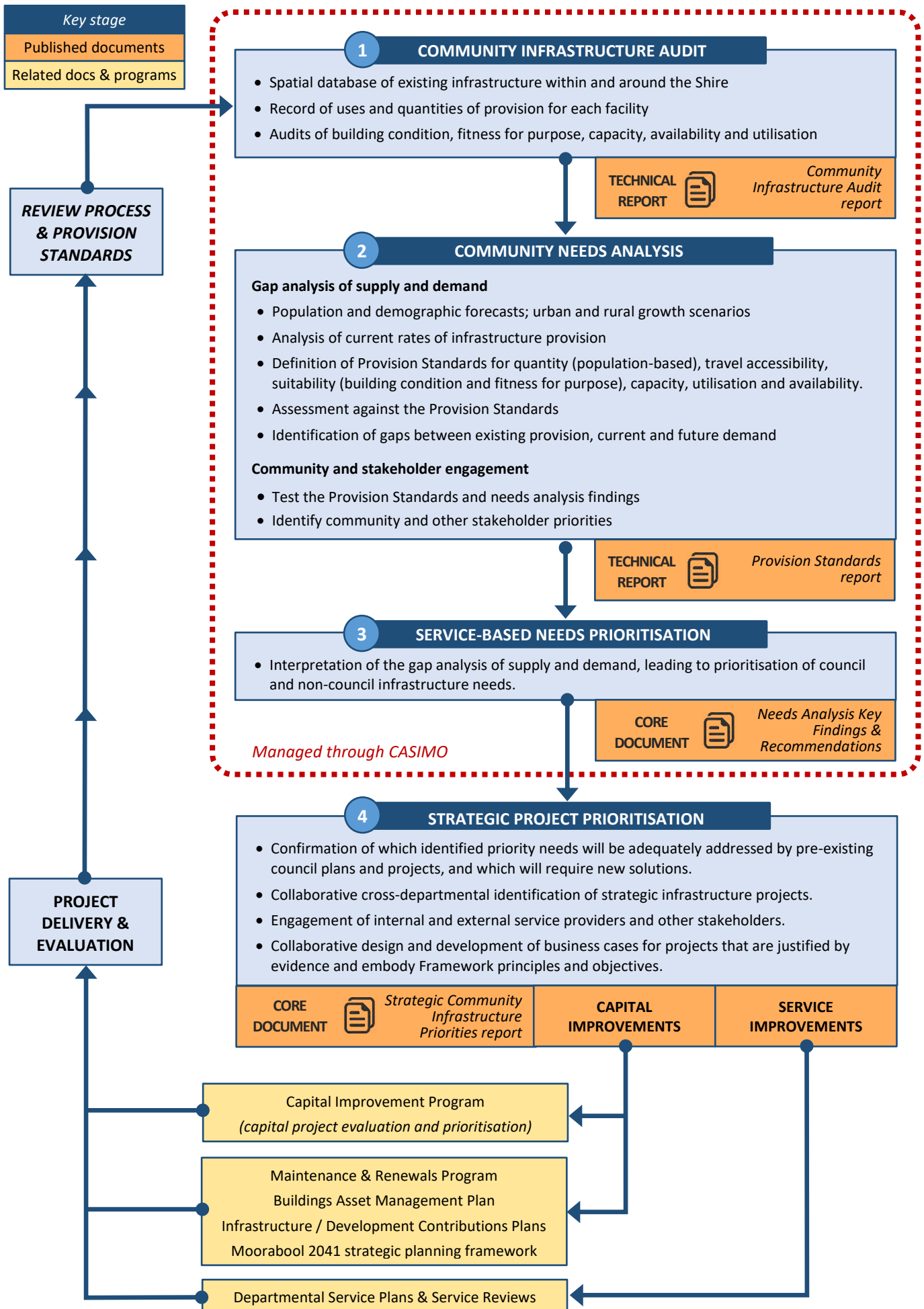


Figure 1: the Community Infrastructure Planning Process diagram

2. The Moorabool Community Infrastructure Framework

This section explains the broader Community Infrastructure Framework, of which the Planning Process is a component.

The policy basis for the Community Infrastructure Planning Process is provided by the Community Infrastructure Planning Policy and Planning and Design Principles (2017). The Planning Process should be read in conjunction with the Planning Policy.

The Planning Policy, Planning and Design Principles, the Planning Process, and the tools and documents they describe are collectively known as the Moorabool Community Infrastructure Framework ('the Framework').



Figure 2: Community Infrastructure Framework components

The Framework provides Moorabool with a flexible and dynamic planning resource that integrates with other planning processes across Council. Its purpose is to:

- Enable Council to deliver on the aims and objectives defined by the Planning Policy.
- Identify infrastructure priorities based on robust evidence of community need.
- Inform Council's Capital Improvement Program, in particular business cases for community infrastructure projects.
- Inform Council's strategic planning framework 'Moorabool 2041'.
- Inform service plans and reviews, planning studies, masterplans and other Council business.
- Provide evidence for Infrastructure Contribution Plans / Development Contribution Plans, applications for grant funding, and advocacy to external service providers.

The Framework is not a simple ‘snapshot in time’ study; it is a whole-of-Council planning resource that provides a range of decision-making tools and resources.

Some key aspects of the Framework include:

Evidence-based	The Framework is directly informed by data and spatial analysis conducted through the <i>Community Infrastructure Audit</i> and <i>Community Needs Analysis</i> stages of the Planning Process. Data and analyses are managed through Council’s Community and Social Infrastructure Model CASIMO.
Service-focused	The Framework ensures that facilities planning responds to service planning. Council’s internal community service departments and external service providers directly inform every stage of the Planning Process.
Integrated	Recognising the multi-disciplinary nature of community infrastructure planning, the Framework integrates with other related planning functions across Council. In particular, the Planning Process informs and is informed by: service planning and review, social planning and research, asset management, strategic planning, and the Capital Improvement Program (CIP). These functions are brought together for the common purpose of identifying the infrastructure required to meet community needs and support delivery of services now and into the future.
Centrally coordinated	The Framework and the Planning Process are coordinated by Council’s Strategic Planning and Development unit. However, data, findings and priorities relating to services and facilities delivered by Council are ‘owned’ by the relevant department service managers.
Dynamic and responsive	The Framework is supported by Council’s Community and Social Infrastructure Model CASIMO, a database linked to spatial analysis tools (GIS). All data informing the Planning Process such as assumptions, demographic information, population forecasts, and Provision Standards is easily updatable. Many of the reports output from the Framework are published directly from CASIMO.
Repeatable	The Planning Process is designed to be repeatable as often as required. At present, it is an annual process that takes place ahead of Council’s Capital Improvement Program (CIP).

2.1 *Continuous improvement*

The Framework is being developed and implemented in an iterative manner that allows for ongoing expansion and improvement over time. This version #2 of the Planning Process builds on version #1 that was adopted in September 2017 by clarifying some elements of the process, how it integrates with other Council planning processes, and describing the Suitability Assessment and Utilisation Assessment in more detail.

The Framework core documents and technical reports will be updated to incorporate the Suitability and Utilisation assessments and will be re-published in 2018. These will again be updated as more information is collected and assessed. Communities will have the opportunity to inform successive versions of the documents to ensure that they accurately represent the Shire’s most pressing needs.

2.2 Scope of 'Community Infrastructure'

The Community Infrastructure Planning Policy provides the following definitions:

Community infrastructure	A collective term for 'community facilities' and 'community services' as defined by this Policy.
Community facilities	Physical infrastructure in the form of buildings, places and spaces through which the community access services provided by Council and other providers.
Community services	Programs and other activities provided to the community by Council or other organisations. Specifically, services that require physical infrastructure to enable their delivery.
Council asset	Land, buildings and other structures owned by Moorabool Shire Council

The full scope of community infrastructure in Moorabool goes beyond the range of facilities currently owned and operated by Council. While it is important to ultimately assess the full range of facilities available to the public, the Framework will initially focus on critical infrastructure that is owned, operated or funded by Council. Future iterations of the Framework will assess third party owned/operated facilities that provide critical services to the public.

The infrastructure types currently included within the scope of the Framework are:

AGED AND DISABILITY:

- Centre-based meals
- Dementia programs
- Seniors groups
- Social support groups

COMMUNITY SPACES AND LIBRARIES

- Community venues (incl. halls)
- Multipurpose community rooms
- Libraries

EARLY YEARS

- 4 year old kindergarten
- Long day care
- Maternal & Child Health (MCH)

CHILDREN AND YOUNG PEOPLE

- Playgrounds
- Skate and BMX parks / tracks
- Youth space
- Youth support

SPORT AND RECREATION

- Basketball courts
- Netball courts
- Tennis courts
- Football ovals
- Cricket ovals
- Soccer pitches
- Lawn bowls
- Swimming pools

Appendix A provides definitions for each of the above infrastructure types.

2.3 Integrated service and infrastructure planning

Council owns and invests in assets for the purposes of delivering services or supporting community activities. Planning for facilities must therefore be integrated with planning for services and be based on a comprehensive understanding of service and community needs. Accordingly, the Framework informs and is informed by multiple functions of Council, the key ones being:

<p>Service planning / Service review</p>	<p>The internal service areas within Council that are most relevant to the Framework include Early Years, Youth, Active Ageing, Recreation Development and Community Development. Each service area plans in the short to medium-term for how it delivers services to the community.</p> <p>Council’s Business Excellence (BEx) framework records aspects of each service such as relevant legislation and policy, inputs, outputs and customers, staff requirements and budgets. Council is also developing a Service Planning Framework that will require each service area to more fully articulate current service requirements and delivery model(s).</p> <p>Services may also be reviewed in light of new or updated legislation, policy, good practice and/or changing community demand. Service reviews identify improvements, issues, efficiencies and possible alternative delivery models.</p>
<p>Social planning and research</p>	<p>Responsibility for social planning and research generally sits with each service area within Council. There is not currently a department or officer with responsibility to conduct demographic or other research on behalf of the organisation.</p> <p>The current design of the Community Infrastructure Framework ensures that the <i>Community Needs Analysis</i> stage is informed by the studies and expertise of Council’s internal service areas and by strategic planning and demographic analysis conducted by the Framework Coordinator (see section 2.4.1) and the Strategic Planning and Development unit.</p>
<p>Strategic planning</p>	<p>The Community Infrastructure Framework is coordinated by Council’s Strategic Planning and Development unit and is a key component of the ‘Moorabool 2041’ strategic planning framework. Findings from the Community Infrastructure Framework inform the Planning Scheme and associated documents in terms of the current function of settlements and facilities, future infrastructure priorities, and development contributions.</p>
<p>Asset management</p>	<p>The Asset Management unit ensures that community facilities owned or managed by Council are maintained to meet the needs of services and the community. The unit manages the asset maintenance and renewal programs and building condition audits.</p>
<p>Capital Improvement Program (CIP)</p>	<p>The annual CIP provides the budgets and work plan for all capital projects including major projects, the asset maintenance and renewal programs, and all projects for new and/or upgraded infrastructure. The CIP is supported by the <i>Capital Works Evaluation Guidelines</i> that provides criteria and a model for the assessment and prioritisation of capital projects.</p>

The design of the Framework recognises the overlap and inter-dependency between Council functions. The following sections articulate how these Council functions inform and are informed by the Community Infrastructure Planning Process to ensure that the necessary alignment and collaboration takes place across Council.



Figure 3: Flow of information between key functions of Council

2.3.1 Integration with the Service Planning and Service Review functions

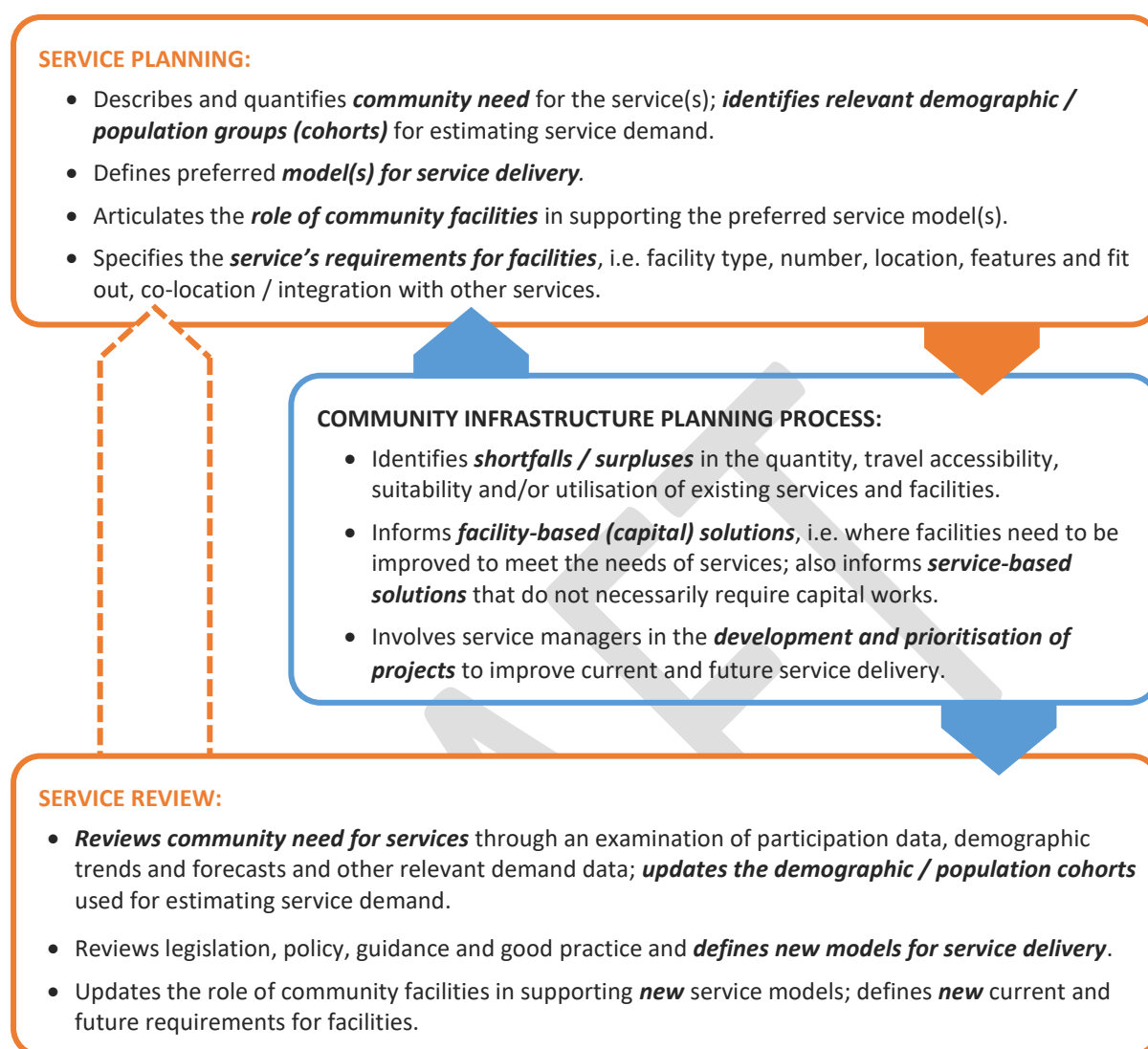


Figure 4: Flow of information between the Service Planning and Service Review functions and the Community Infrastructure Planning Process

Council's service areas have, and will continue to produce, plans and studies relating to their particular services and facilities. Examples include the Municipal Early Years Plan, the Recreation and Leisure Strategy, the Health and Wellbeing Plan and the Age Well Live Well Strategy & Access and Inclusion Plan.

The Framework does not replace the need for service-specific plans; in fact it relies on service providers to continue to develop their own in-depth understanding of community need and service demand. The Framework provides mechanisms to bring together the evidence provided by these plans in a structured, consistent and equitable manner across Council and use them to inform strategic planning.

2.3.2 Integration with the Asset Management function

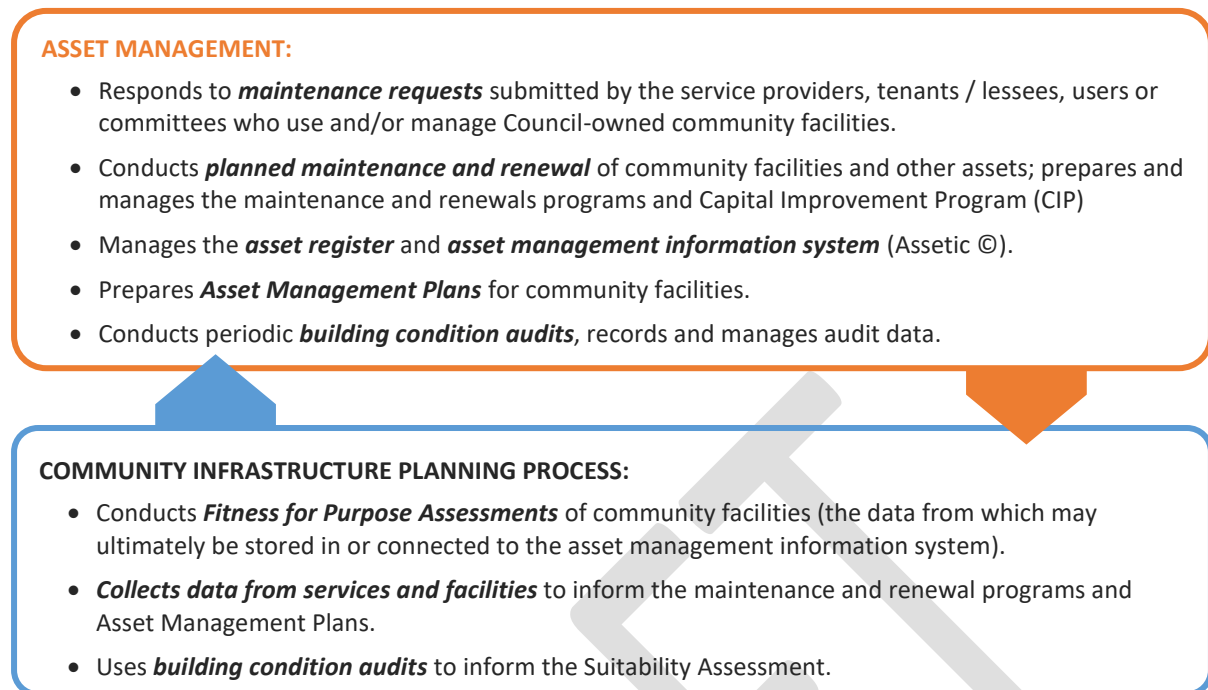


Figure 5: Flow of information between the Asset Management function and the Community Infrastructure Planning Process

2.3.3 Integration with the Strategic Planning function

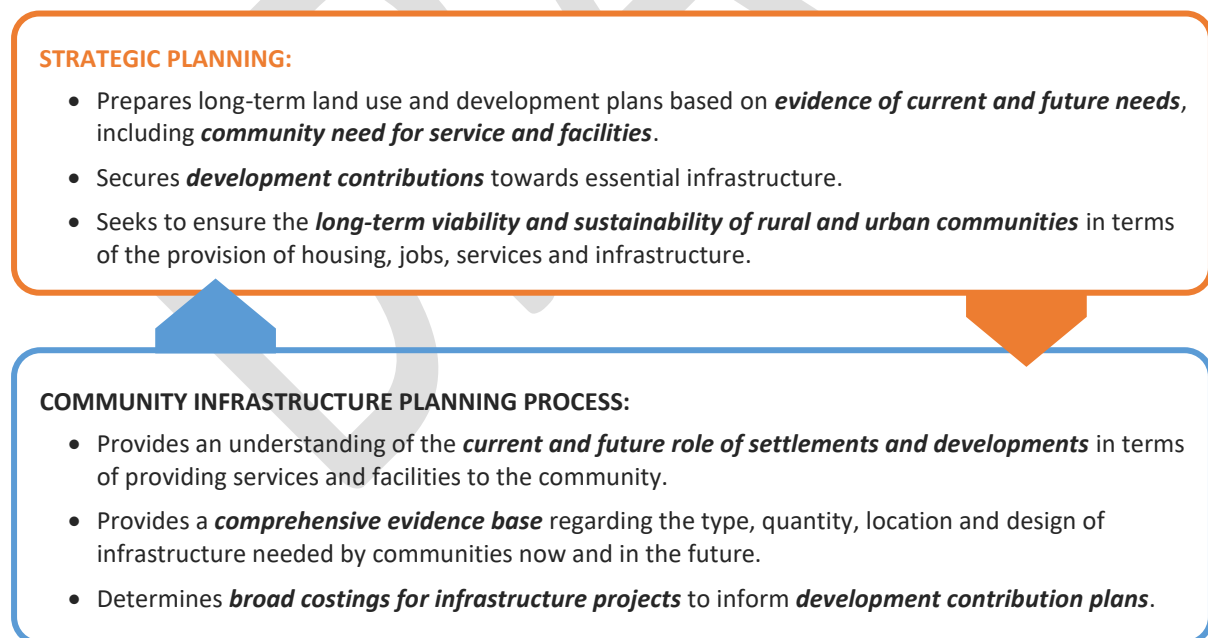


Figure 6: Flow of information between the Strategic Planning function and the Community Infrastructure Planning Process

2.3.4 Integration with the Capital Improvement Program

CAPITAL IMPROVEMENT PROGRAM (CIP):

- Funds and delivers projects for the ***maintenance, renewal and upgrade of existing infrastructure and construction of new infrastructure.***
- ***Evaluates and prioritises projects*** based on various factors including the age and condition of assets, risks, evidence of community need, and deliverability in terms of timing and funding.
- Comprises a major part of Council's ***Strategic Resource Plan*** and ***Long-Term Financial Plan.***

COMMUNITY INFRASTRUCTURE PLANNING PROCESS:

- ***Provides evidence of community need*** for infrastructure; findings inform the assessment and prioritisation of projects by the CIP.
- ***Underpins a collaborative approach*** between service managers and infrastructure planners to the prioritisation, design and delivery of infrastructure improvements.

Figure 7: Flow of information between the Capital Improvement Program and the Community Infrastructure Planning Process

2.4 Framework roles and responsibilities

Development of the Framework has been led by the Strategic and Sustainable Development Unit within the Growth and Development Directorate. The Framework takes a collaborative whole-of-organisation approach, therefore several departments have responsibility for its implementation.

2.4.1 Framework coordination

The Social Infrastructure Planner (Strategic and Sustainable Development Unit) is the 'Framework Coordinator', having overall responsibility for developing and implementing the Framework. Specific responsibilities include:

- Prepare and maintain the Community Infrastructure Planning Policy, Planning and Design Principles, and the Planning Process.
- Develop and maintain the Community and Social Infrastructure Model (CASIMO).
- Convene the Community Infrastructure Framework Steering Group.
- Collaborate with internal community service managers¹, external service providers and other information providers to acquire, manage and interpret data and identify infrastructure priorities.
- Seek agreement and sign-off of data and findings by internal service managers.
- Collaborate with internal service managers ahead of the Capital Improvement Program (CIP) to interpret Framework findings, identify synergies between the needs of different services, and identify collaborative infrastructure improvements² to be further developed and delivered through the CIP.
- Prepare and maintain Framework reports and other direct outputs.

¹ 'internal community service managers' refers to managers of Council departments with responsibility for delivering services through community facilities (e.g. aged services, sport, early years and libraries).

² improvements may be physical capital projects such as upgrades to existing or creation of new facilities, or they may be service-based non-capital improvements such as changes to service delivery models.

2.4.2 *Framework Steering Group*

The Community Infrastructure Framework Steering Group comprises key internal representatives across Council. As a minimum representation will include:

- The Community Infrastructure Framework Coordinator (see above)
- Internal community service managers¹
- Senior representative from Infrastructure Services (asset management)
- Manager Strategic and Sustainable Development

The Steering Group has oversight of the Framework and is responsible for supporting the Framework Coordinator to implement the Framework in a manner that best supports the effective and efficient provision of community services and facilities.

2.4.3 *Internal community service managers*

Council's internal community service managers are responsible for providing the Framework Coordinator with information required by the Planning Process in a timely manner. As Council's use of the Framework evolves, internal service managers will be able to manage their information directly via the CASIMO database.

Internal service managers (or their representatives) are responsible for engaging with the Framework Coordinator and other internal services through the key stages of the Planning Process, in particular the Community Needs Analysis and Strategic Project Prioritisation stages. The nature and extent of that engagement will depend on the specific community infrastructure needs and/or projects being considered at the time. Service managers may be required to formally agree and sign-off data and findings.

To inform analyses relating to non-Council services, internal service managers will either engage with relevant external service providers to acquire information required by the Planning Process, or will assist the Framework Coordinator to do so.

2.4.4 *Capital Improvement Program (CIP)*

The *Strategic Community Infrastructure Priorities report* (an output from the Strategic Project Prioritisation stage of the Planning Process) will directly inform the CIP. It does this by providing a list of potential projects that are:

- Justified by robust evidence of community need
- Informed by relevant service departments within council
- Developed through a holistic planning process that has considered a wide range of factors including a wide range of service and facility types, forecast population growth and demographic change, future strategic planning, and relationships, conflicts and synergies between different infrastructure types and geographic locations.

Both the Framework Coordinator and the CIP coordinator are responsible for designing and implementing mechanisms to ensure that the *Strategic Community Infrastructure Priorities* and the *Needs Analysis Findings and Recommendations* reports inform the design and delivery of community infrastructure projects through the CIP.

3. Response to the Community Infrastructure Planning and Design Principles

The Community Infrastructure Planning Policy provides the Planning and Design Principles and requires that the Planning Process be consistent with those principles. Table 1 below describes how the Planning Process responds to the Principles:

Table 1: Consistency with the Community Infrastructure Planning and Design Principles

Principles (from the Community Infrastructure Planning Policy)		Response (how the Planning Process supports the Principle)
<p>Principle 1: Community infrastructure planning is strategic and integrated across council.</p>	<p>1a: A collaborative whole-of-organisation approach is taken to the planning and delivery of community infrastructure.</p>	<p>The Planning Process brings together service managers, asset managers and strategic planners as part of a consistent and equitable process. It integrates directly with other Council systems, processes and plans such as asset management systems, the Capital Improvement Program and the Moorabool 2041 strategic planning framework. Alignment between departments is ensured through the Strategic Project Prioritisation stage.</p>
	<p>1b: Planning is spatial and strategic in nature, extending across administrative boundaries.</p>	<p>The Provision Standards are applied in a consistent and equitable manner across the Shire. Spatial analyses are not confined by administrative boundaries and extend into the neighbouring municipalities that provide infrastructure used by Moorabool residents (primarily the cities of Ballarat and Melton).</p>
	<p>1c: Local needs are expressed within the context of strategic community need.</p>	<p>The prioritisation stages of the Planning Process take into account broad areas of strategic need (e.g. across the whole Shire or across all urban areas) as well as localised needs, such as for individual towns. Identified projects will address the relative demand for infrastructure across the Shire and seek to distribute infrastructure improvements accordingly.</p>

Principles (from the Community Infrastructure Planning Policy)		Response (how the Planning Process supports the Principle)
Principle 2: Decision-making is consistent, transparent and based on reliable evidence.	2a: Consistent methods are used to develop evidence relating to the supply of and demand for community infrastructure.	The Provision Standards are applied consistently to all settlements of similar size. The process for identifying and prioritising needs is the same for all service areas, and to all facility types.
	2b: Decisions made with regard to community infrastructure will take account of available relevant evidence.	The Planning Process uses a comprehensive database and geospatial gap analysis tool to collate, manage and report on data. Findings lead directly to the identification of gaps in provision and the prioritisation of projects.
	2c: The justification for community infrastructure projects is clearly explained and openly presented.	The various published reports that are output from the Planning Process will transparently present the audit of infrastructure, the provision standards, the results of the community needs analysis, and the priority infrastructure needs identified by Council.
Principle 3: Community infrastructure projects deliver net community benefit.	3a: Community infrastructure projects respond to priority community needs and service objectives and corporately agreed levels of service.	Community Needs Analysis is a key stage of the Planning Process and is fundamental to the identification of infrastructure priorities and projects. The Provision Standards used to inform the Needs Analysis and the Needs Prioritisation stages provide corporately agreed levels of service in addition to those defined in other plans. The Planning Process enables Council to prioritise people's <i>needs</i> over <i>wants</i> .
	3b: Community infrastructure projects will be delivered in step with population growth and demographic change.	The Community Needs Analysis plans to several future horizons (planning years) and identifies various triggers that determine when an improvement to community infrastructure is required. Project delivery will continue to be managed through the Capital Improvement Program.

Principles (from the Community Infrastructure Planning Policy)		Response (how the Planning Process supports the Principle)
Principle 4: Community infrastructure operates as a network of facilities.	4a: Community services operate through a network of complementary local, district and regional facilities.	The Community Needs Analysis – in particular the Travel Accessibility Standards - is fundamentally based around a network of accessible facilities distributed between urban and rural towns.
	4b: Community services and facilities have a high degree of transport accessibility and are located within reasonable travel time/distance of the communities they service.	The Travel Accessibility Standards provide an assessment of people’s travel time to services and facilities. Travel time/distance is a key component of the gap analysis.
Principle 5: Community infrastructure supports the delivery of services to the community.	5a: Community infrastructure is prioritised for the delivery of effective community services by council and other service providers.	The Community Infrastructure Audit records the services being delivered through each facility. Facilities not being used for service delivery may be identified as having potential for alternative use(s). Council’s internal service units are engaged through all stages of the Planning Process to ensure facilities directly respond to service needs. The Community Needs Analysis identifies gaps in the provision of infrastructure that Council is not a provider of, or that are better provided by others. Council can then decide whether and how to use its facilities to assist other service providers to meet community needs.
Principle 6: Community infrastructure supports use by multiple services and users for a range of activities.	6a: Community facilities are fit for their intended purpose(s).	The Suitability Assessment includes an assessment of the fitness for purpose of facilities. The assessment is part of the gap analysis and will be integrated with the asset management system to complement building condition audits.
	6b: Community facilities are designed and maintained to be multifunctional, flexible and adaptable to change.	The Needs Prioritisation stages consider opportunities to expand the service offering of facilities and the range of users they service. Flexible and adaptable design (to allow for changing uses of time) will need to be managed through the Capital Improvement Program.

Principles (from the Community Infrastructure Planning Policy)		Response (how the Planning Process supports the Principle)
	6c: Community facilities support the co-location, integration, and/or clustering of complementary community services.	The Strategic Project Prioritisation stage will identify opportunities to co-locate, integrate and/or cluster complementary services.
Principle 7: Community infrastructure is inclusive and universally accessible.	7a: Community facilities are universally accessible, meeting the needs of families, users and staff of all physical and cognitive abilities, gender types and ages.	The fitness for purpose assessment (part of the Suitability Assessment) includes multiple criteria for universal accessibility and equity.
	7b: Community facilities support active ageing and promote inclusion of older people.	The Community Infrastructure Audit uses a typology of uses that includes programs for early years, children, young people, seniors and dementia sufferers.
	7c: Community facilities embody Council's commitments to age-friendly, dementia-friendly and child-friendly communities.	The Community Needs Analysis assesses demand for facilities that are suitable for use by the young, by families, by the elderly and by suffers of dementia.
Principle 8: Community facilities are optimised for maximum use.	8a: Community services and facilities are designed and managed to meet their full capacity, making best use of existing facilities where appropriate.	The Capacity and Utilisation Standards directly inform the Community Needs Analysis and Needs Prioritisation stages.
	8b: The maintenance, renewal and upgrade of existing community infrastructure is prioritised above the funding of new community infrastructure.	The Needs Prioritisation stages seek to make best use of existing facilities. Where no suitable facilities exist to meet identified community needs, new ones will be planned.
	8c: New facilities are only planned and delivered where they meet identified priority shortfalls in existing or future infrastructure provision.	

Principles (from the Community Infrastructure Planning Policy)		Response (how the Planning Process supports the Principle)
Principle 9: Community infrastructure is provided through partnerships.	9a: Community infrastructure is funded, delivered, operated and programmed through collaborative partnerships between council, government and other public, private and community sector providers as appropriate.	The prioritised lists of infrastructure requirements produced through the Framework will directly inform Infrastructure/Development Contributions Plans ³ . Where Council is not the responsible provider for meeting identified shortfalls in community infrastructure provision, the Planning Process will produce the evidence required for advocacy and collaboration.
	9b: Where nexus between new development and the need for new or improved infrastructure is demonstrated, financial contributions towards community infrastructure projects will be sought.	
Principle 10: Community facilities embody Environmentally Sustainable Design principles.	10a: Designs for new community facilities and maintenance, renewal or upgrade works to existing facilities seek to reduce Council's environmental impact through environmentally sustainable design measures.	The Fitness for Purpose assessment includes questions relating to the ESD aspects of existing Council facilities. The design and delivery of ESD measures will need to be managed through the Capital Improvement Program.

³ *Development Contributions Plans* or *Infrastructure Contributions Plans* define the amount and type of contributions – financial or in kind - that developers/builders are required to make in order to manage the social, environmental, economic or service impacts of new housing or other development works.

4. Community and stakeholder engagement

Input from communities and other stakeholders will be essential in order to fully understand which services and facilities are most in need and which improvements to community infrastructure should be prioritised.

The Framework has been designed so that Council's community service departments are the providers and custodians of the various planning standards and assessments that are used to identify and prioritise community need for infrastructure. The Framework addresses a range of critical service and facility types, some owned, operated or funded by Council and others owned and operated by the private or community sector. Where Council is not the provider of infrastructure, the Framework will need to be informed by input from external service providers.

Section 2.4 of this Planning Process describes the roles of the Framework Coordinator and internal service managers with regard to ensuring that the Community Infrastructure Planning Process is based on the best available information. The onus is therefore on internal service providers to engage with the community and other stakeholders through their normal planning and delivery of services. The Framework Coordinator is responsible for ensuring this information is appropriately captured and assessed through the Planning Process and published through the Framework.

Therefore, rather than a one-off consultation exercise on the content of the Framework, community and stakeholder engagement will be an ongoing process of receiving input through a variety of means including:

- Engagement during the preparation of service-based studies and plans such as an Early Years Municipal-wide Infrastructure Plan or a Recreation and Leisure Strategy.
- Engagement during the preparation of corporate documents such the Council Plan and Health and Wellbeing Plan.
- Direct communications received by Council such as letters from residents and community groups.
- Contact with the community via applications to Council's Community Development Fund.
- Contact with Committees of Management for halls and reserves within the Shire.
- Contact with the public and stakeholders through Council's normal delivery of services.
- Contact with community groups and service providers through the various sector working groups that Council is represented on.

In addition to the above, all planning standards, analyses and findings relating to the Framework will be made available for public scrutiny via Council's website.

5. Community Infrastructure Audit

Figure 1 on page 3 illustrates how the Community Infrastructure Audit relates to the other key stages of the Planning Process. The Infrastructure Audit collects information relating to the quantity, suitability, travel accessibility, capacity, availability and utilisation of infrastructure that is needed to inform the Community Needs Analysis.

The analysis is conducted by the Framework Coordinator in collaboration with Council's internal service managers.

5.1 Facilities register

The first stage of implementing the Planning Process has been to create a register of all existing community infrastructure that serves Moorabool residents, irrespective of ownership. As residents access facilities and services that are outside of the Shire as well as within, the audit has recorded infrastructure in surrounding towns such as Ballarat, Buninyong, Melton, Meredith and Trentham.

The register of existing community infrastructure is managed through the 'Facilities Register' module of Council's Community and Social Infrastructure Model CASIMO.

5.2 Typology of Uses

Council has created a typology of a wide range of services, facility types, programs and activities (collectively referred to as 'uses'). Along with recording the location and name of a facility, the Facilities Register records all the uses applicable to each facility.

5.3 Quantity measures

For each use recorded against facilities in the register, a measure of the quantity of provision is also recorded. For some facilities this is simply '1' for the number of facilities but for other uses a more appropriate measure is recorded, such as:

4 yr old kindergarten	Licensed places
Tennis	Courts
Centre-based meals	Weekly meals
Dementia programs	Program places

These quantities form the 'supply' that is assessed through the Community Needs Analysis stage, in particular the Quantity Assessment, which applies the Population Standards.

5.4 Audits of Building Condition and Fitness for Purpose

The Suitability Assessment uses information from Council's Building Condition audits and Fitness for Purpose assessments. Building condition audit information is stored in Council's asset management system and fitness for purpose information is stored in CASIMO. The information is then used to inform the Community Needs Analysis stage.

Building Condition refers to the physical condition of built facilities and is assessed through regular audits carried out by specialist contractors.

Fitness for Purpose relates to the broader function of facilities in terms of how well (or poorly) they meet the needs of building users. The Fitness for Purpose assessments have been developed and conducted by Council officers, service providers and primary building users.

5.5 Audits of facility Capacity, Availability and Utilisation

The Utilisation Assessment is informed by the audits of facility capacity, availability and utilisation. This information is collected through the Community Infrastructure Audit, stored in CASIMO and assessed through the Community Needs Analysis stage.

6. Community Needs Analysis

Figure 1 on page 3 illustrates how the Community Needs Analysis relates to the other key stages of the Planning Process.

The Community Needs Analysis compares the Community Infrastructure Audit (i.e. the 'supply' of infrastructure) with demographic data and a set of provision standards (targets) to determine where shortfalls or surpluses in provision exist today. The analysis then uses the Shire's population projections to forecast how these 'gaps' in provision will change over time.

The analysis is conducted collaboratively between the Framework Coordinator and Council's internal service managers.

6.1 Needs Assessments and Provision Standards (overview)

This section provides an overview of the various assessments and provision standards use by the Community Needs Analysis stage. Later sections of this document describe each of the assessments and standards in detail.

The Community Needs Analysis addresses four different aspects of community need for services and facilities: quantity, travel accessibility, suitability and utilisation. A separate assessment has been designed for each of these aspects. Each assessment uses information from the Community Infrastructure Audit, and compares it with one or more provision standards (measures):

1. QUANTITY ASSESSMENT

A strategic assessment to determine whether there are enough facilities in relation to population size.

Purpose:

The Quantity Assessment determines whether there is currently a suitable and sufficient quantity of services or facilities to meet the needs of the population of an area. It seeks to identify any under or over-provision that exists now and, using Council's population forecasts, may exist in the future.

Audit information:

- Quantity measures (from the Facilities Register)
- Facility location (from the Facilities Register)

Provision standards:

- the '**Population Standard**' (the desired quantity of infrastructure provision in relation to population size, by relevant age cohort⁴)

⁴ Age range of the population that creates demand for the infrastructure type

2. TRAVEL ACCESSIBILITY ASSESSMENT

A strategic assessment to determine whether people can travel to services and facilities within a reasonable journey time.

Purpose:

The Travel Accessibility Assessment examines the geographic distribution of existing facilities and their relationship to public transport (train station and bus stops) and car parking. It assesses whether facilities are accessible within a reasonable journey distance or time from where people live and identifies any significant spatial gaps in provision.

Audit information:

- Facility location (from the Facilities Register)

Other information:

- Road and footpath networks (GIS)
- Travel time and distance network (GIS)

Provision standards:

- the '**Travel Standard**' (the time or distance that people must travel to facilities from home)

3. SUITABILITY ASSESSMENT

Facility-specific assessments that determine whether facilities are fit for their purpose and in adequate physical condition.

Purpose:

The Suitability Assessment seeks to determine how suitable facilities are in terms of supporting the services or community activities delivered through them.

Audit information:

- Building condition audits
- Facility Fitness for Purpose assessments

Provision standards:

- the '**Building Condition Standard**' (the physical condition of the facility - as assessed through a professional audit)
- the '**Fitness for Purpose Standard**' (the functional suitability of the facility for the services delivered through it - as assessed by Council)

4. UTILISATION ASSESSMENT

Facility-specific assessments that determine whether services and facilities have adequate capacity to meet community demand.

Purpose:

The Utilisation Assessment examines the current level of use of facilities and determines whether or not they have capacity to accommodate existing and/or increased use.

Audit information:

- Facility utilisation audits (based on capacity, availability and current use)

Provision standards:

- the ‘**Utilisation Standard**’ (the proportion of the maximum capacity that is available and actually being used)

The above provision standards are detailed in later sections of this document.

6.2 *Strategic vs. facility-specific assessments and provision standards*

The Quantity Assessment and the Travel Accessibility Assessment are applied strategically across the Shire to measure demand for community infrastructure. The assessments are applied consistently and equitably for all towns and communities across the Shire.

The Suitability Assessment and Utilisation Assessment are applied to existing infrastructure and conducted on a facility-by-facility basis.

6.3 *The Quantity Assessment*

The Quantity Assessment considers how much provision is required to meet the needs of the current and future population. Population estimates and forecasts for Moorabool Shire are provided by ID Consulting and provided online at <http://forecast.id.com.au/moorabool>. Population estimates are available by gender and age for every year up to 2041 for the following ‘Population Forecast Areas’:

- Bacchus Marsh
- Darley
- Maddingley
- Ballan
- Rural East
- Rural West

Boundaries for the above areas can be viewed at <http://forecast.id.com.au/moorabool/about-forecast-areas>.

Many services and facilities such as libraries and open space are used by people of all ages whereas others are more relevant to people of certain ages. An example of the latter includes Long Day Care which is used by children aged up to 6 years old. The age range used to estimate the demand for a certain service or facility is called the ‘age cohort’. The age cohorts used to model demand for the various infrastructure types will be published through the *Community Infrastructure Provision Standards* report on Council’s website.

The limitation of Moorabool’s population estimates (and therefore age cohort estimates) is that they are only available for the six Population Forecast Areas listed above. This means that demand for

community infrastructure can only be determined for each Population Forecast Area or an aggregation of areas; it cannot be measured for smaller geographic areas such as individual towns. To overcome this, Council uses population estimates for sub-areas such as small towns.

The size of the age cohort population within an area gives an indication of the *maximum* number of people who are likely to create demand for a service or facility; however, not all of these people will actually use one. It is therefore necessary to determine a *provision standard* that estimates the proportion of the age cohort population who will actually use (i.e. create demand for) a service or facility. Council has developed a set of 'Population Standards' for each infrastructure type.

6.3.1 *The Population Standards*

The Populations Standards are expressed as the number of population within the relevant age cohort that a facility can support. Units of measure vary depending on the type of facility, for example the unit of measure for tennis courts is '1 court', for community venues it is '1 facility' and for kindergarten it is '1 licensed place'.

The Population Standards have been developed specifically for Moorabool to reflect local drivers for demand such as the existing rate of provision, legacy infrastructure, current and forecast rates of participation and utilisation, opportunities and constraints arising from new development, Council policy, and constrained capital and operational budgets. Comparison with provision rates in other municipalities can be useful to suggest how Moorabool compares, but it is not appropriate to simply 'borrow in' these rates⁵.

The process of setting the Population Standards has examined current ratios of provision across the Shire and compared them with relevant information such as:

- studies and plans (e.g. Recreation and Leisure Strategy or Municipal Early Years Plan)
- service provider knowledge of participation rates and trends, waiting lists, facility utilisation, good practice models and other service planning factors
- population and development forecasts
- local policy and planning objectives

The Population Standards are expressed as two figures:

1. Population trigger (minimum cohort population required to trigger need for a facility)
2. Population ratio (the maximum cohort population a facility is able to support)

The Population Standards are defined and managed through Council's CASIMO database and will be provided through the *Community Infrastructure Provision Standards* report and published on Council's website. The results of the Quantity Assessment will be published through the *Community Infrastructure Needs Analysis Findings* report and published on Council's website.

⁵ The Victorian Planning Authority *Guide to Planning for Community Infrastructure in Urban Renewal Areas* specifically advises against the application of 'arbitrary benchmarks' from other LGAs.

Worked example: development of a Population Standard for soccer pitches

All figures in this worked example are illustrative only.

Step 1:

Select an appropriate age cohort

Example soccer pitches age cohort = persons aged 5 to 85

Step 2:

Calculate the current actual rate of provision

If Settlement A currently has 2 soccer pitches and a population of 12,000 persons aged 5 to 85, the current actual rate of provision is 2: 12,000 or 1: 6,000.

Step 3:

Consider the current rate of provision against Council's understanding of whether demand for soccer is being adequately met. Apply knowledge such as current and projected participation rates, known unmet demand (e.g. waiting lists), utilisation of existing facilities, and other relevant drivers. Comparisons with other municipalities or benchmarks may also be used.

In this example, existing facilities are fully utilised and substantial unmet demand is known to exist. This suggests that the current rate of provision of 1:6,000 is inadequate.

Step 4:

Select an appropriate population ratio

Council selects a target population ratio of 1:3,000 (i.e. twice the current rate of provision)

Step 5:

Compare the selected population ratio with current and forecast population

Comparison of existing supply with the population ratio produces the table of results below:

Year	Estimated population of persons aged 5-85	Facilities required to meet 1:3000 target population ratio	Existing provision	Shortfall
2018	12,000	4	2	-2
2021	14,000	5 (rounded)	2	-3
2031	18,000	6	2	-4
2041	24,000	8	2	-6

In this example Council decides that the forecast shortfalls are realistic and that it has the resources to deliver 6 pitches by 2041. Council therefore adopts the population ratio of 1:3,000 persons aged 5 to 85.

If Council decided that delivery of 6 pitches was not possible or necessary, the population ratio would be revised to a higher ratio (e.g. 1:4,000), thereby reducing the forecast shortfall to a more realistic and deliverable figure.

Step 6:

Determine a population trigger

Based on knowledge of participation rates, utilisation of facilities, costs of operating and maintaining soccer pitches, and other relevant information Council determines that a minimum population of 2,000 persons aged 5 to 85 is required to support a soccer pitch.

6.4 The Travel Accessibility Assessment

Another key aspect of assessing community demand for infrastructure is the location and distribution of facilities as these determine the distance that people must travel to access a service or facility.

The Travel Accessibility Assessment considers the actual on-road distance between people and community facilities. The assessment applies the Travel Accessibility Standards to determine whether people can access services and facilities within a reasonable journey time.

‘Walkability’ or ‘driveability’ are widely recognised as appropriate measures of travel accessibility. Several urban municipalities in Australia (including the cities of Ballarat, Bendigo and Melbourne) have goals of achieving 10 or 20 minute neighbourhoods where all critical services and facilities are provided within a 10 or 20 minute journey. Walking or public transport time is commonly used in urban areas but for rural areas where walking or public transport is not an option, travel time by private vehicle is a much more realistic standard.

6.4.1 The Travel Accessibility Standards

For rural areas the Travel Accessibility Standards are expressed as drive time. For urban areas they are a mix of drive time and walking distance, depending on the type of facility the standard is being applied to.

Council’s data and spatial analysis capabilities do not currently allow for the travel accessibility standards to include journeys by public transport. However, these tools are in development and will be applied to the travel accessibility standards through a future iteration of the Framework.

A time or distance-based Travel Accessibility Standard has been set for each infrastructure type addressed by the Community Infrastructure Framework. The proposed travel standards are:

- ‘400m walking distance’ (equivalent to a 5 minute walk)
- ‘800m walking distance’ (equivalent to a 10 minute walk)
- ‘1600m walking distance / 2 minute drive’
- ‘5 minutes drive time’ (equivalent to travelling across a person’s own community)
- ‘10 minutes drive time’
- ‘20 minutes drive time’
- ‘30 minutes drive time’ (for major regional facilities)

Settlements of different population sizes cannot all realistically be provided with the same level of access to facilities. For example, due to its much smaller population a village cannot support the same range of facilities within its boundary as a large urban area. Therefore, the Travel Accessibility Standards are defined differently for settlements of different sizes. For example, the standard for Long Day Care might be ‘5 minutes drive time’ for a large urban area of 10,000 people but would most likely be ‘20 minutes drive time’ for a rural settlement of less than 200 people.

The Travel Accessibility Standards are initially defined according to the travel time/distance that is considered reasonable for residents within settlements of different sizes to travel to access facilities. They are then refined by studying the implications of setting them at the chosen level. For example, defining a travel standard for Long Day Care of ‘10 minutes drive time’ for all villages may result in the gap analysis concluding that five new day care centres are required across the rural west. Council may decide that such a requirement is not affordable or viable and consequently revise the standard to ‘20 minutes drive time’. Defining the Travel Standards in this manner ensures that all settlements of similar sizes are equitably assessed against each other.

The Travel Accessibility Assessment compares the standards with current travel times / distance to determine whether the standards are met or failed for each facility type, for each settlement in the Shire.

The Travel Accessibility Standards are defined and managed through Council’s CASIMO database and will be provided through the *Community Infrastructure Provision Standards* report and published on Council’s website. The results of the Travel Accessibility Assessment will be published through the *Community Infrastructure Needs Analysis Findings* report and published on Council’s website.

6.5 The Suitability Assessment

The Suitability Assessment determines whether existing facilities are physically meeting the needs of the services or activities delivered through them and the people who access those services or activities. Where needs are not being met, the assessment considers whether facilities would be more suitable for use by different services.

The Suitability Assessment has two components: building condition audits, and fitness for purpose assessments. The building condition audits and fitness for purpose assessments use comparable scoring systems and together provide a comprehensive understanding of whether facilities are physically able to meet the needs of their users (as well as ensuring they are safe for public use).

6.5.1 Building Condition audits

Approximately every four years Council commissions a professional condition audit of its buildings. Audits are only carried out for Council assets and as such can only be used to inform the Suitability Assessment for existing Council-owned facilities.

The audits typically assesses buildings based on their major components such as roof, exterior and interior walls, windows, plumbing and electrical systems. A score is given to each component. The scores given to each building component and the building overall are:

Rating	Considered to be	Description
1	Very Good	Near new condition with no obvious signs of wear.
2	Good	Very good condition with limited signs of wear. Component/s does not require any special attention.
3	Fair	Generally good condition with some evidence of minor defects in local spots. Component/s requires some planned maintenance to prevent further deterioration and to return it to a very good condition.
4	Poor	Significant defects in multiple locations. Requires major maintenance to prevent further deterioration to return it to a very good condition. Will need to be renewed, upgraded or disposed in near future.
5	Very Poor	In need of major repair and referred to the capital works program for renewal / replacement / disposal. Will need to be renewed, upgraded or disposed in near future.
6	End of Life	End of service life. No remaining service potential.

Over time, Council may change the questions, categories and scoring system to refine and improve the audits without the need to update the Community Infrastructure Planning Process.

6.5.2 Fitness for Purpose assessments

Fitness for purpose assessments consider a broader range of physical and functional characteristics of facilities that are not addressed by building condition audits. They are also applied to a broader range of facility types such as sports grounds and courts.

Assessments are tailored to different facility types and comprise questions on many aspects of building function such as:

- Location and travel accessibility
- Appearance and fit out
- Configuration and size
- Physical accessibility and gender equity
- Environmental sustainability

Fitness for Purpose assessments have been developed by council officers and are conducted with building users, Council's internal service managers and asset managers. The assessments are updated as often as required to maintain an up-to-date understanding of the physical state and suitability of facilities.

Whereas a single building condition audit is conducted for each building, multiple fitness for purpose assessments may be completed. This is because each assessment considers fitness for purpose based on the specific needs of each service or activity delivered through a facility.

At present they will only be applied to Council-owned, leased or managed facilities or ones to which Council provides operational funding.

Category and overall scores

The scores given to each category of the assessment and the facility overall are:

Score	Fitness for Purpose
1	<i>Fully meets service needs with no impact on delivery of services/activities, AND <u>No</u> identified risks to users or building integrity</i>
2	<i><u>Minor</u> impact on ability to deliver the required services/activities, OR <u>Minor</u> identified risks to users or building integrity</i>
3	<i><u>Moderate</u> impact on ability to deliver the required services/activities, OR <u>Moderate</u> identified risks to users or building integrity</i>
4	<i><u>Significant</u> impact on ability to deliver the required services/activities, OR <u>Significant</u> identified risks to users or building integrity</i>
5	<i><u>Severe</u> impact - required services cannot be delivered/activities, OR <u>Severe</u> identified risks to users or building integrity</i>

Overall rating

Facilities are assigned an overall rating based on their score:

Overall score	Rating	Rationale
1 to 2	<i>'Fit for purpose'</i>	<i>equivalent to the top 25%</i>
2 to 3	<i>'Attention required (minor)'</i>	<i>equivalent to upper 25% to 50%</i>
3 to 4	<i>'Attention required (major)'</i>	<i>equivalent to lower 25% to 50%</i>
4 to 5	<i>'Unfit for purpose'</i>	<i>equivalent to bottom 25%</i>

The above scores represent 25% bands where the top 25% indicate facilities that are fit for purpose and the bottom 25% unfit. Scores in between are graded into facilities that exhibit major and minor issues.

Assessment templates

Example fitness for purpose assessment questions and categories are included at Appendix B. Over time, Council may change the questions, categories and scoring system to refine and improve the assessments without the need to update the Community Infrastructure Planning Process.

6.5.3 Building Condition and Fitness for Purpose Standards

It is proposed to develop, through a future version of the Community Infrastructure Planning Process, minimum condition and fitness for purpose standards for different building/facility types. It is anticipated that the standards would be higher for facilities that support higher-order community services, are used by a larger number of people or by vulnerable users such as young children and the elderly, or have a higher intrinsic cost or risk associated with them.

6.6 The Utilisation Assessment

The Utilisation Assessment records the current level of community use of facilities and compares that with facilities' maximum capacity and/or availability. Measures for utilisation, capacity and availability vary for different facility types, examples include:

Facility type	Measures		
	Utilisation	Facility capacity	Facility availability
Community venue / multipurpose community room	Method: Frequency and duration of use		
	How often the facility is used and the total hours of use.	Maximum number of hours the facility is available for use per week.	Hours of the each day of the week the facility can be used.
	And/or	<i>Seasonality may need to be accounted for, e.g. summer vs winter.</i>	
	Method: Size of activity / group		
	Number of people at an event or the number rooms / area of floorspace used for an event.	Maximum number of people the facility can accommodate safely / within license.	n/a
Sports surfaces <i>e.g. football oval or tennis court</i>	Method: Frequency and duration of use		
	How often the surface is played on and total hours of use.	Maximum number of hours of active use the surface can support e.g. a turf surface maintained to high standards may be able support up to 25 hours of use before degrading beyond repair.	Hours of each day of the week the facility can be used.
		<i>Summer vs winter seasonality must be accounted for.</i>	
Sports pavilions	The assessment of pavilions will be as for 'community venues' above. The frequency and duration of use of pavilions will account for use by sports clubs (at times when the club are playing on the sports surface the pavilion is associated with) plus any general community use of a pavilion.		

The above method and measures used to conduct the Utilisation Assessment for any given facility will depend on the availability of usage data. Council will seek to acquire as much utilisation information as it reasonably can to inform the assessment but acknowledges that some facility operators do not maintain detailed booking registers.

Detailed booking data exists for some Council-operated facilities, which will be used to inform a detailed week-by-week assessment of use. For many non-Council facilities however, it may only be possible to record an overview or snapshot of use (such as a typical week) or an estimate of the number and duration of bookings during a year.

The maximum facility capacity determined for each facility will also depend on its specific circumstances and nature of use. For example, a turf surface maintained to support up to 25 hours of active use per week has a maximum capacity/availability of 25 hours per week. In this case, optimum utilisation may be taken as 100% of maximum capacity/availability. However, for a community venue a more reasonable expectation may be that it should be used up to 80% of its maximum availability, to allow for change-overs between bookings, facility cleaning and maintenance.

6.7 Identifying gaps in provision (gap analysis)

Differences between existing infrastructure provision across the Shire and desired (target) levels of provision are determined by comparing the Community Infrastructure Audit (the 'supply') with demand data and the various Provision Standards:

- **Quantity Assessment:** comparison between the Audit, the age cohort populations and the Population Standards suggest where there are shortfall or surpluses in the number and distribution of services and facilities.
- **Travel Accessibility Assessment:** comparison between the current location of facilities and the Travel Accessibility Standards using spatial GIS⁶ analysis identifies geographic gaps in provision where people have to travel unreasonable distances to reach infrastructure.
- **Suitability Assessment:** comparison between the Building Condition audits, Fitness for Purpose assessments and the Provision Standards identifies where facilities are unsuitable in terms of their physical attributes.
- **Utilisation Assessment:** comparison between the capacity, availability and utilisation audits and the Provision Standards suggests where infrastructure is being over or under used.

These comparisons are projected into the future using Council's population forecasts and its understanding of how future growth and development is likely to affect the size and makeup of settlements, transport patterns, and the nature of people's demand for services and facilities.

⁶ Geographical Information System (GIS) is software used to analyse the spatial (geographical) relationships between objects and data.

7. Service-based Needs Prioritisation

Service-based Needs Prioritisation is the first of two stages that identify the Shire’s community infrastructure priorities. It is essential that Council and service providers understand the extent, location and nature of community needs for infrastructure before designing projects to meet that need. As such, this stage addresses community needs as they relate to specific service and facility types.

Service-based needs prioritisation is carried out on a service-by-service basis by Council’s internal service managers who have an intimate understanding of community and service requirements. Council officers consider the evidence developed through the *Community Infrastructure Audit* and *Community Needs Analysis* stages of the Framework and identify the findings that are most significant.

One of the Community Infrastructure Planning and Design Principles is that “Community infrastructure projects respond to priority community needs and service objectives and corporately agreed levels of service”. Given Council’s limited budgets for community infrastructure, the prioritisation stages of the Framework seek to prioritise ‘needs’ over ‘wants’ and address the most critical community needs first.

The key output from this stage is the *Needs Analysis Key Findings & Recommendations* report that:

- sets out the results of various assessments of community need for infrastructure, and
- makes recommendations for each of the service and facility types assessed.

The key findings and recommendation are then taken forward to the *Strategic Project Prioritisation* stage.

8. Strategic Project Prioritisation

The purpose of the Strategic Project Prioritisation stage is to identify specific projects that address the key findings identified through the *Service-based Needs Prioritisation* stage.

This strategic prioritisation stage considers whether and how projects may be able to meet the needs of multiple services, across a wide geographic area. In line with the Community Infrastructure Planning and Design Principles, this stage will favour multi-purpose facilities that co-locate or integrate complementary services and provide significant strategic benefits to the broadest possible range of people.

The outputs from the Strategic Project Prioritisation stage are published through the *Strategic Community Infrastructure Priorities* report.

9. The Moorabool Community and Social Infrastructure Model (CASIMO)

Council has developed a database (CASIMO) to manage the large amount of data required to perform gap analysis of current and future supply and demand for community infrastructure. The database is linked to GIS to enable spatial assessment of the distribution of facilities and the places where shortfalls or surpluses in supply exist. The figure below outlines the function of the model.

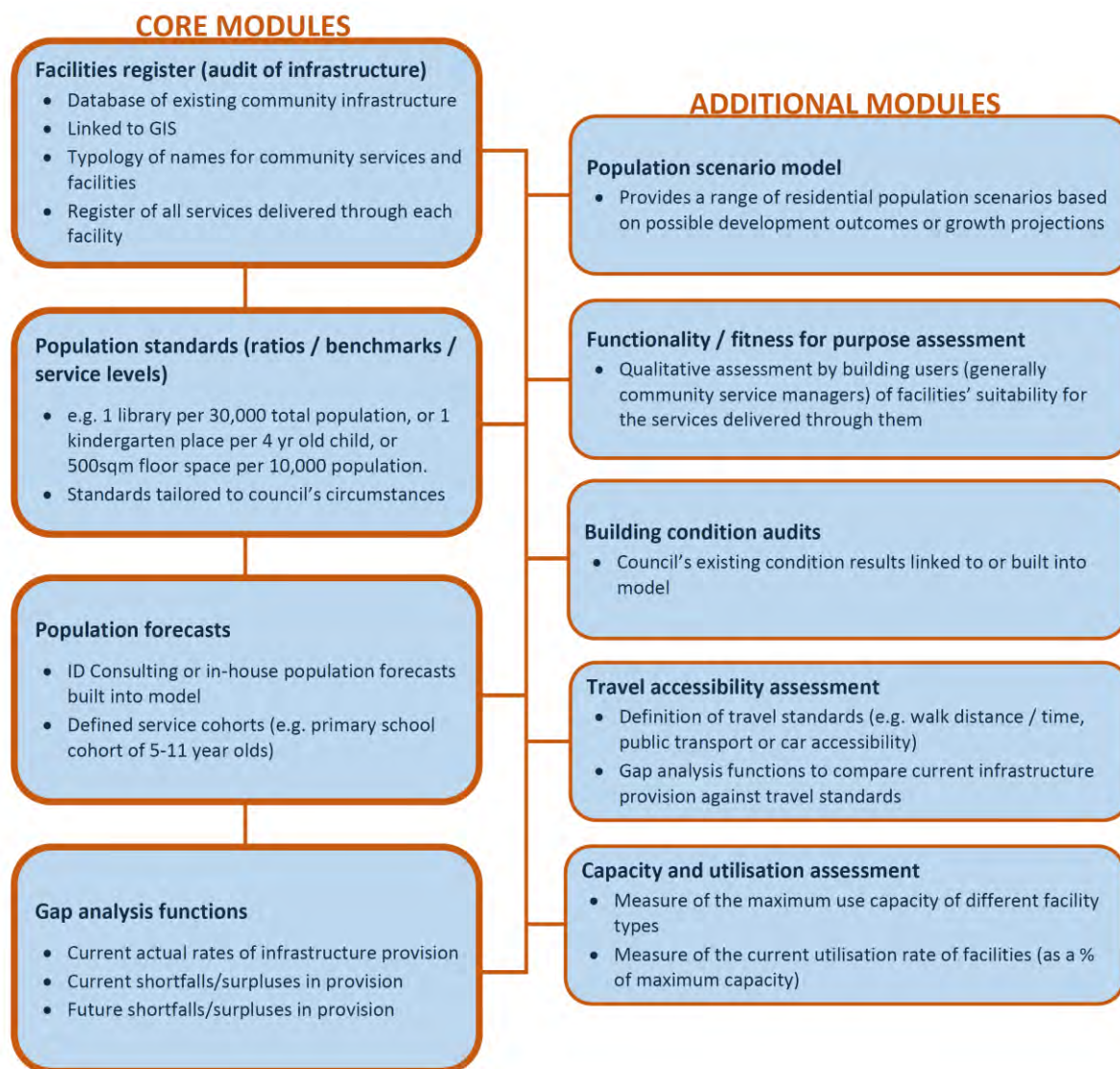


Figure 3: overview of the Moorabool Community and Social Infrastructure Model (CASIMO)

CASIMO directly supports the Community Infrastructure Audit and the Community Needs Analysis stages. CASIMO stores and manages data, the various provision standards, the gap analysis and the prioritisation of community needs.

The following reports are created and output directly from CASIMO:

- Priority Community Infrastructure Needs report
- Provision Standards report
- Community Infrastructure Audit report
- Community Needs Analysis Findings report

Appendix A: Infrastructure type definitions

Services and facilities that are within the present scope of the Framework.

AGED AND DISABILITY	
Centre-based meals	Nutritious meals funded by the Commonwealth Home Support Programme (CHSP), prepared at or delivered to a facility (such as a community centre or senior citizens club) and eaten in a social setting. Meals are provided to people in the CHSP target population who are at nutritional risk or who have decreased capacity to prepare their own meals. In-centre meals also provide a social setting for interaction between clients and monitoring by service professionals.
Dementia programs	Facility-based programs designed along Montessori principles and delivered through small groups that engage, encourage participation and enhance the lives of people living with dementia. Funded by the Commonwealth Home Support Programme (for people over 65 or over 50 for Aboriginal people) and the Home and Community Care (HACC) Program (for younger persons, people under 65 and under 50 if an Aboriginal person).
Senior citizens centre	A community facility primarily or exclusively used by seniors groups, social support groups and/or for delivery of programs to older people.
Seniors groups	Any social group primarily participated in by seniors (over 60s)
Social support groups	A range of facility-based or mobile programs, groups and social activities accessed by the elderly or individuals with physical, cognitive or other health needs. Facilities suitable for Social Support Groups have higher design requirements relating to universal accessibility.
CHILDREN AND YOUNG PEOPLE	
Playgrounds	Equipped spaces that provide structured play opportunities for children.
Play spaces	A more general form of 'playgrounds' that includes informal and unequipped spaces that provide unstructured play opportunities.
Skate park	Purpose-built surfaces or equipment intended for skateboarding.
BMX park or track	Purpose-built surfaces or equipment intended for BMX riding or racing.
Youth space	Facilities that support the delivery of programs and services for young people aged 12-25 years. Facilities are either dedicated for use as a youth space or designed and managed to foster a sense of identity and belonging relevant to young people.
Youth support	A wide range of support, referral or development activities delivered through a mix of targeted programs and drop-in services addressing factors such as unemployment, housing, poverty, mental health, gambling, and substance use.

COMMUNITY SPACES AND LIBRARIES

Consulting room	A room suitable for clinical or non-clinical consultations or meetings. Generally a size suitable for between 2 and 10 people to meet. Equipped with suitable furniture (table/desk and chairs) in the room or easily available. Access to suitable kitchen facilities and toilets.
Multipurpose community room	A room suitable for general purpose use by the community such as meetings, events or indoor recreation. Generally a minimum size large enough to accommodate at least 10 people around a central table, Equipped with suitable furniture (tables and chairs) in the room or easily available. Access to suitable kitchen facilities and toilets.
Community venue – local	<p>Either: a facility providing <u>one</u> or more multipurpose community rooms, where the largest room can seat <u>at least 20 people</u> around one or more tables, or, a facility providing <u>one</u> or more multipurpose community rooms, that is intended and is able to serve a <u>‘local’ community of up to 5,000 people.</u></p> <p>with access to suitable kitchen or food preparation facilities, accessible toilets (male, female or unisex), and suitable storage for chairs, tables and other equipment.</p> <p>Fit out of the facility must be suitable for meetings, small community events, playgroups, youth and seniors groups and community arts.</p>
Community venue – district	<p>Either: a facility providing <u>two</u> or more multipurpose community rooms <u>that can be used concurrently by separate users</u>, where the largest room can seat <u>at least 50 people</u> around one or more tables, or, a facility providing <u>two</u> or more multipurpose community rooms, that is intended and is able to serve a <u>‘district’ community of more than 5,000 people and up to 10,000 people.</u></p> <p>with access to suitable kitchen or food preparation facilities, accessible toilets (male, female or unisex), and suitable storage for chairs, tables and other equipment.</p> <p>Fit out of the facility must be suitable for meetings, small community events, playgroups, youth and seniors groups and community arts.</p>

Community venue – municipal	<p>Either: a facility providing <u>two</u> or more multipurpose community rooms <u>that can be used concurrently by separate users</u>, where the largest room can seat <u>at least 200 people</u> around one or more tables, plus a secondary room that can seat <u>at least 50 people</u> around one or more tables</p> <p>or,</p> <p>a facility providing <u>two</u> or more multipurpose community rooms, that is intended and is able to serve a <u>‘municipal’ community of more than 10,000 and up to 30,000 people or more.</u></p> <p>with access to a registered (commercial) kitchen suitable to cater for 250 people, accessible toilets (male, female or unisex), and suitable storage for chairs, tables and other equipment.</p> <p>Fit out of the facility must be suitable for a broad range of uses including playgroups, youth and seniors groups, community arts and performances.</p>
Library (centre-based)	A staffed facility providing public access to printed collection items and electronic information resources for reference or borrowing, internet access, and space for community engagement programs such as story times, holiday programs, author talks, or reading groups.
Library (rural service)	Mobile service that provides library materials to rural communities, visiting various locations to a regular timetable.
EARLY YEARS	
Long day care	Centre-based education and care services for children aged 0-6 years, providing up to 12 hours of care a day. Services operate under the Australian Government <i>National Quality Framework</i> and must meet the requirements of the Education and Care Services National Law Act 2010 and Education and Care Services National Regulations 2011. Long Day Care in Moorabool is provided by the private sector and community organisations.
Maternal & Child Health (MCH) ⁷	Maternal and Child Health (MCH) provide services for families with children 0-6 years, e.g. support for parents, breastfeeding, developmental assessments for babies and children and activities for families. It is funded under a joint MOU between State Government and Local Government. In Victoria Local Government is the infrastructure provider for Maternal & Child Health.
4 year old kindergarten	Kindergarten (also called preschool) is a program for young children delivered by a qualified early childhood teacher. Children attend a kindergarten program in the year before starting school, usually at four years of age. Kindergarten operates under the Australian Government <i>National Quality Framework</i> and must meet the requirements of the Education and Care Services National Law Act 2010 and Education and Care Services National Regulations 2011. In Victoria local government is the infrastructure provider for Kindergarten.

⁷ The Community Needs Analysis has assessed MCH services that are provided from a facility. Outreach MCH services to the home are also available but are not included in the assessments.

SPORT AND RECREATION	
Aquatic centre	An indoor facility providing water-based recreation facilities such as swimming pools and water play facilities, typically also providing other indoor recreation facilities such as soft play, gymnasium and indoor fitness.
Basketball court (competition)	A hard surface court marked out for the playing of basketball and compliant with standards that allow for competitive sport.
Netball court (competition)	A hard surface court marked out for the playing of netball and compliant with standards that allow for competitive sport.
Tennis court (competition)	A grass or synthetic surface court with suitable net, marked out for the playing of tennis, and compliant with standards that allow for competitive sport.
Football oval (competition)	A grass or synthetic surface oval or pitch with suitable goal posts, laid and marked out for the playing of football and compliant with standards that allow for competitive sport.
Cricket oval (competition)	A grass or synthetic surface oval or pitch, with a grass or synthetic wicket, laid and marked out for the playing of cricket and compliant with standards that allow for competitive sport.
Soccer pitch (competition)	A grass or synthetic surface pitch with suitable goal posts, laid and marked out for the playing of soccer and compliant with standards that allow for competitive sport.
Lawn bowls	Grass or synthetic green laid and marked out for the playing of lawn bowls.
Swimming pool (indoor)	An indoor pool of at least 25m length, suitable for lane swimming.
Swimming pool (outdoor)	An outdoor pool of at least 25m length, suitable for lane swimming.
Sports pavilion and clubroom(s)	A building associated with an outdoor sports facility that provides change rooms and amenities for players as well as clubrooms used for the social activities of sports clubs and other users.
Sports change room(s)	A building associated with an outdoor sports facility that provides change rooms and amenities for players but not clubrooms.
Sports clubroom(s)	A building associated with an outdoor sports facility that provides rooms used for the social activities of sports clubs and other users but not change rooms and amenities for players.
Sports shelter	A structure associated with an outdoor sports facility that provides shelter and shade for spectators and players. Typically roofed, and may or may not be open-sided.
SUPPORT INFRASTRUCTURE	
Council customer service centre	A staffed facility providing services and information relating to Council business and contact with Council staff.

Appendix B: Example Fitness for Purpose Assessment templates

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Template: Community Buildings

Question title	Question	Considerations
LOCATION and TRAVEL ACCESSIBILITY		
Location	Is the facility in the right location to serve its intended users?	<i>Consider: the size of catchment the facility serves, visibility, community awareness and ease of finding the facility</i>
Transport options	Are users able to reach the facility by convenient means of travel?	<i>Consider: public transport, walking and cycling</i>
Car parking	Is there sufficient and suitable car parking?	<i>Consider: size and configuration of parking, surface materials and condition, entry and exit points</i>
Proximity to other services and facilities	Are there community or other complementary services and facilities near by?	<i>Consider: other relevant community uses; activity centres, retail, employment areas</i>
Personal safety while travelling to the facility	Is the facility in a location that is safe for users (especially lone users) to travel to and from?	<i>Consider: safety of journey to and from the facility; lighting; neighbouring uses</i>
APPEARANCE and FIT OUT		
Exterior appearance	Are the exterior appearance, finish and feel of the facility fit for purpose?	<i>Consider: paint, cleanliness, age, design, wear and tear</i>
Kitchen	Are the appearance and fit out of the kitchen / food preparation facilities fit for purpose?	<i>Consider: age, design, appliances, lighting, furniture, fixtures and fittings, hygiene, safety</i>
Toilets and changing	Are the appearance and fit out of the toilet, shower and changing facilities fit for purpose?	<i>Consider: age, design, appliances, lighting, furniture, fixtures and fittings</i>
Other interior spaces	Are the appearance and fit out of other spaces fit for purpose?	<i>Consider: halls, meeting/secondary rooms, corridors; age, design, appliances, lighting, furniture, fixtures and fittings</i>
Surfaces	Are surfaces - floors, walls, windows, doors - fit for purpose?	<i>Consider: materials, wear, structure, security</i>
Utilities	Are utilities - electricity, water and gas supply, drainage and sewerage, telephone and internet - fit for purpose?	<i>Consider: usage, safety, reliability, capacity, outages, leaks, blockages</i>
Outdoor areas	Are outdoor areas and features fit for purpose?	<i>Consider: gardens, paths, planting, shade structures, outside lighting, fencing, BBQ areas, seating</i>
Facility security	Is the security of the facility, its contents and surrounds adequate?	<i>Consider: locks, alarms, points of entry, surveillance</i>
Personal safety while using the facility	Is the facility safe for users (especially lone users), especially during an emergency?	<i>Consider: risks to a lone user; safe movement throughout the facility; number and location of fire exits, extinguishers and alarms; hazards in and around the building</i>

CONFIGURATION and SIZE

Layout	Is the layout of the facility fit for purpose?	<i>Consider: configuration, functionality, inter-connectedness, ease of use, safe circulation throughout the facility</i>
Space types	Are the types of spaces / rooms fit for purpose?	<i>Consider: does the facility have all necessary spaces / rooms and adequate storage?</i>
Size	Is the overall size of the facility, and the size of individual rooms and spaces, fit for purpose?	<i>Consider: is the facility the right size to meet the needs of the majority of users and activities?</i>

UNIVERSAL ACCESS and EQUITY

Physical & cognitive ability	Can users and staff of all physical and cognitive (mental) abilities access and use the facility?	<i>Consider: all physical abilities including eyesight and hearing, and cognitive / mental abilities including dementia</i>
Gender equity	Can users and staff of all genders access and use the facility equally?	<i>Consider: the needs of all gender types</i>
Generational equity	Can families, staff and users of all ages access and use the facility?	<i>Consider: the needs of parents/carers, children, families and individuals of all ages</i>
Environmentally Sustainable Design (ESD)	Does the facility embody adequate standards of ESD?	<i>Consider: heating, lighting, water use, temperature control, renewable energy generation, power consumption</i>

GENERAL FEEDBACK

General comments	Are there any other comments you would like to make about the facility?	
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Template: Sports pavilions, club rooms and shelters

Question title	Question	Considerations
PLAYERS AMENITIES		
Players' change rooms	Are the players' change rooms fit for purpose?	<i>Consider: number, type, size and fit out; change rooms for home and away teams; female-friendliness; bench seating, lockers and clothing hooks.</i>
Players' showers	Are the players' showers fit for purpose?	<i>Consider: number, type, size and fit out of showers</i>
Players' toilets	Are the players' toilets fit for purpose?	<i>Consider: number, type, size and fit out of players' toilets</i>
SOCIAL / COMMUNITY FACILITIES		
Food preparation and serving facilities	Are the size, layout and fit out of kitchen / canteen or other facilities for the preparation and serving of food fit for purpose?	<i>Consider: size, layout and fit out of kitchen / canteen / food preparation areas, servery and/or kiosk.</i>
Social room(s) – number, size and fit out for use by sports clubs	Are the number, size, layout and fit out of interior rooms suitable for social use by sports clubs?	<i>Consider: number, size and layout of rooms, level of use by clubs and types of activities; bar, relationship to kitchen / canteen / servery, storage, tables and chairs, circulation space, heating and cooling, audio-visual and presentation equipment.</i>
Social room(s) – suitability for community use	Are interior rooms suitable for use by the wider community?	<i>Consider: access and usability by non-club users e.g. community meetings and events, parties, playgroups</i>
LOCATION and CONFIGURATION		
Position within site	Is the pavilion well located in relation to the oval, court or other sports facility that it serves, car parking and paths?	<i>Consider: location of pavilion within the site; distance between pavilion and ovals / courts / other sports facilities, car parking and paths; visibility of sports facility from spectator areas; orientation of pavilion in terms of sun and wind.</i>
Layout	Is the layout of the facility fit for purpose?	<i>Consider: configuration, functionality, inter-connectedness, ease of use, safe circulation throughout the facility</i>
Personal safety while travelling to the facility	Is the facility in a location that is safe for users (especially lone users) to travel to and from?	<i>Consider: safety of journey to and from the facility; lighting; neighbouring uses</i>
APPEARANCE and FIT OUT		
General appearance	Are the interior and exterior appearance, finish and feel of the facility fit for purpose?	<i>Consider: paint, cleanliness, age, design, wear and tear</i>
Surfaces	Are surfaces - floors, walls, windows, doors - fit for purpose?	<i>Consider: materials, wear, structure, security</i>

Outdoor areas	Are outdoor areas and features fit for purpose?	<i>Consider: spectator areas, seating, shade structures, outside lighting, fencing, paths, planting</i>
Utilities	Are utilities - electricity, water and gas supply, drainage and sewerage, telephone and internet - fit for purpose?	<i>Consider: usage, safety, reliability, capacity, outages, leaks, blockages</i>
Facility security	Is the security of the facility, its contents and surrounds adequate?	<i>Consider: locks, alarms, points of entry, surveillance</i>
Personal safety while using the facility	Is the facility safe for users (especially lone users), especially during an emergency?	<i>Consider: risks to a lone user; safe movement throughout the facility; number and location of fire exits, extinguishers and alarms; hazards in and around the building</i>
OTHER FACILITIES		
Umpires' facilities	Are there suitable facilities for umpires?	<i>Consider: change rooms, toilets and showers suitable for male and female umpires</i>
Public toilets	Are the public toilets fit for purpose?	<i>Consider: number, type, size and fit out of toilets in relation to normal crowd sizes</i>
Storage	Is the type, size and location of internal and external storage suitable?	<i>Consider: seasonal storage of club equipment, files, stock, cleaning materials and general stores. Secure externally-accessible storage for maintenance equipment, materials and secure services (e.g. rubbish bins).</i>
Other spaces and features	Are other spaces and features (not addressed by other questions) fit for purpose?	<i>Consider: first aid/medical, office/admin areas, kiosk, corridors.</i>
UNIVERSAL ACCESS and EQUITY		
Physical and cognitive ability	Can users of all physical and cognitive (mental) abilities access and use the facility?	<i>Consider: all physical abilities including eyesight and hearing, and cognitive / mental abilities including dementia</i>
Gender equity	Can users of all genders access and use the facility equally?	<i>Consider: the needs of all gender types</i>
Generational equity	Can families, staff and users of all ages access and use the facility?	<i>Consider: the needs of parents/carers, children, families and individuals of all ages</i>
GENERAL FEEDBACK		
General comments	Are there any other comments you would like to make about the facility?	

11.2.3 Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook

Introduction

Author: Vanessa Osborn
General Manager: Satwinder Sandhu

Background

In 2017, Moorabool Shire Council received a permit application for the development of a telecommunication facility on VicTrack land off Sullivans Road in Millbrook, Victoria. The telecommunication facility is part of the Victorian State Government Regional Rail Connectivity Project (RRCP). The application included the installation of a 30m high monopole, turret, antennas, outdoor unit and associated works.

On Wednesday 18 April, 2018 Council resolved to issue Planning Permit PA2017273 at its S86 Development Assessment Committee.

After receiving a complaint about the telecommunication tower, a motion was carried at the Moorabool Shire Council Ordinary Meeting of Council on 7 November, 2018:

*Item 13.1 Cr. Bingham: N.O.M. No. 274 – Telecommunication Tower
Resolution: Crs. Bingham/Keogh*

- 1. Write to the Minister for Planning regarding amending Clause 52.19 – 3 which exempts the requirement of advertising planning applications for telecommunication facilities that are funded or partly funded by the Mobile Black Spot Program, or the State of Victoria.*
- 2. Write to the applicant Vodafone and the landowner Victorian Rail Authority to question whether the proposed tower could be shifted at least 150m away from the closest dwelling.*
- 3. That an investigation be carried out and a report be prepared detailing the information supplied by the applicant compared to the as constructed tower
CARRIED.*

Following this original motion, a report was presented to Council on the 3 April, 2019. A motion was carried to defer the report with the following actions:

Item 11.2.3 Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook

Resolution: Crs. Dudzik/Toohey

- 1. That consideration of the Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook report be deferred pending further information that gives a full briefing on the VCAT implications and the process in relation to the development of a Telecommunication Tower - PA2017-273 Sullivans Road, Millbrook.*
- 2. That further discussions be held with Minister Richard Wynne and Visionstream, to gain further advice on the implications of the Victorian Charter of Human Rights with regards to the project, and Council's responsibilities under the Victorian Charter of Human Rights Act 2006.
CARRIED.*

It is assumed that there is the word “and” missing from the second dot point after the first comma. It is also assumed that “Visionstream” is meant to read “Service Stream”.

This report is to confirm the Officers’ actions and findings to date.

Item 13.1 Action 1: Write to the Minister for Planning

A letter was written to the Minister for Planning on 16 January, 2019 from the CEO of Moorabool Shire Council. In the letter, the CEO urged the State Government to review the planning considerations for telecommunication facilities and develop a method for tighter planning controls to protect the rights of community members.

Council received a response from The Minister for Planning on 1 March, 2019. The Ministers response is as follows:

“I acknowledge your advice about the frustration of some community members resulting from the construction of telecommunications facilities close to dwellings. I am satisfied that the planning provisions are operating appropriately by enabling Victorian communities to benefit from a faster rollout of improved mobile phone coverage and by ensuring councils can assess the design and siting of facilities through the planning permit process.

Through Plan Melbourne 2017-2050, the Victorian Government has committed to reviewing the Code by 2021. I have asked the Department of Planning, Environment, Land, Water and Planning (DELWP) to also review the operation of Clause 52.19, including the notice and review exemptions, as part of the future Code review.”

See **Attachment 11.2.3a** for the letter from the Minister in its entirety.

Item 13.1 Action 2: Write to Vodafone and Victorian Rail Authority

The CEO sent letters to both Vodafone and the Victorian Rail Authority on 16 January, 2019. These letters requested that the tower be relocated to a more suitable setback distance.

On the 10 May, 2019 Council received a response from Vodafone and Service Stream. The concluding remarks are as follows:

“Whilst VHA is sympathetic to the concerns raised by Council, VHA has followed all processes prescribed in obtaining planning consent from Moorabool Council and has accordingly invested significant capital funds in constructing the facility. To give any consideration to a relocation would require commencing the planning process again and duplication of capital investment as these facilities cannot be reused.”

See **Attachment 11.23b** for the letter from Vodafone and Service Stream in its entirety.

No response has been received to date from Victorian Rail Authority.

Item 13.1 Action 3: Investigation

The permit application proposed to develop a telecommunications facility comprising a 30m high monopole containing the following:

- Three antennas mounted on a turret at a centre line position of 31.7m height, resulting in an overall height of 33.25m.
- One 1.2m diameter parabolic antenna mounted at a centre line of 27.5m height.
- A two-bay outdoor unit at the base of the pole on a concrete slab.
- Associated works and minor earthworks.
- A 2.4m high security compound fence and 3.0m access gates surrounding the proposed 8.4m x 12.4m compound area.
- 5.0m wide proposed access track between the site and the Sullivans Road carriageway to the south.

The planning permit was issued and plans were endorsed by Council on 18 April 2018. The endorsed plans were compared to the 'As built plans' as part of the investigation. From a planning perspective, the 'As built plans' are in accordance with the Endorsed Plans.

A site visit was carried out by the Council Building Inspector on 24 January 2019. The inspector concluded that the facility was located in the proposed location and consisted of the abovementioned proposed components. The tower constructed with steel (not specified what type). At the time of the inspection, the sun was shining on to the tower, however it was concluded that the material would not be categorised as glaring or reflective.

Based on the limited investigations carried out, it is proposed that the construction of the telecommunication tower for the regional rail project has been carried out in accordance with the endorsed site layout plan.



Photo: The telecommunication tower off Sullivans Road in Millbrook, Victoria.

Breach of Planning Permit

A further inspection was carried out by a Council Planning Enforcement Officer on 1 March 2019. It was identified that certain conditions of the planning permit have not been met. In particular, Condition 6, 8, 9, 10, 11 and 12:

- 6 Sediment discharges must be restricted from any construction activities within the property in accordance with relevant Guidelines including Construction Techniques for Sediment Control (EPA 1991).
- 8 Prior to the commencement of the development and post completion, notification including photographic evidence must be sent to Council's Asset Services department identifying any existing damage to council assets. Any existing works affected by the development must be fully reinstated at no cost to and to the satisfaction of the Responsible Authority.
- 9 The applicant is to upgrade the existing crossover to a sealed standard to the satisfaction of the responsible authority.
- 10 The proponent, at their cost, must construct an all-weather access track from the proposed access point on Sullivans Road to the site of the works, to the satisfaction of the responsible authority. An asset protection permit must be obtained from the responsible authority prior to the commencement of the development.
- 11 Erosion control measures must be undertaken to reduce the movement of soil from the site by rain or flowing water.
- 12 Sediment control measures must be undertaken to minimise the impacts of erosion by capturing sediment before it is discharged to the environment.

A letter was sent to Service Stream allowing 60 days for rectification. A follow up site inspection by a Council Asset Protection Officer on 7 June, 2019 found that the non-compliances had not been acted upon. A second letter was sent to Service Stream by the Enforcement team.

The Assets team and Enforcement team will work together to escalate the enforcement proceedings as required to ensure compliance with the Moorabool Planning Scheme. Although a relatively minor non-compliance, if a satisfactory outcome is not reached within the stipulated timeframe this may involve an application for an enforcement order through VCAT. This is considered a separate matter to that being addressed in this report.

Item 11.2.3 Action 1: VCAT implications

It is understood that Council requested an understanding of the VCAT implications of cancelling the permit issued to build the telecommunication tower. Sections 87 and 89 of the *Planning and Environment Act 1987* provides guidelines for the cancellation and amendment of permits. The information from these guidelines are summarised.

As the Responsible Authority, Council can apply to cancel or amend the permit. However, there are certain circumstances that allow for an application can be made to cancel or amend a permit. These are:

- A material mis-statement or concealment of fact relating to the application for permit;
- A material mistake in relation to the grant of the permit;
- A material change in circumstances occurring since the grant of a permit;

- A substantial failure to comply with the conditions of the permit;
- A failure to give notice of an application for permit;
- A failure of the responsible authority to refer an application to a referral authority; or
- A failure of the responsible authority to follow the requirements of a referral authority.

Further, the Planning and Environment Act provides that the Tribunal cannot cancel or amend a permit in a variety of circumstances including:

- The permit is for the construction of a building or works, and the construction or works are completed;
- The permit is for other development, and the development is substantially carried out; or
- The permit is for subdivision or consolidation of land and the plan has been registered under the *Subdivision Act 1988*.

It is considered unlikely that the Tribunal has the power to cancel the permit in question, based on the limitations mentioned.

It must also be understood that if the matter did go to VCAT and was successful, the responsible authority is, in some circumstances, liable for loss or damages if a permit is cancelled or amended as a result of the responsible authority's error.

In addition, all parties appearing in a VCAT application are normally responsible for their own costs. Costs are rarely awarded, and it is only in exceptional circumstances that the Tribunal will award costs. However, costs may be awarded if the application to cancel or amend the permit is found to be unjustified.

Estimated costs for VCAT application

Advice was sought from Macquarie Local Government Lawyers regarding an estimated cost for the VCAT application. This was the response received:

*“Assuming (and this is a ‘big assumption’ given our earlier advice that, as presently instructed, we don’t think Council would have any prospect of being successful in making an application to cancel the permit) it is possible to put together some form of ‘prima facie’ case for Council to make an application to VCAT to cancel the permit (and while a significant amount of time would need to be spent in considering this threshold issue and we presently do not know what our final views would be) (**threshold issue**), the broad costs which – by way of ‘rough guesstimate’ only and as best we can presently do and on the basis that the threshold issue can be overcome – we put around the outcomes set out in your earlier email are as follows –*

- *For preparation/application to VCAT – \$8,000*
- *For VCAT hearing (assuming 1 day) – \$5,500*
- *For follow up actions – \$4,000*
- *For potential costs if Council were to lose (including the costs of the permit holder, if and assuming legally represented, otherwise if not legally represented, say \$15,000 – \$30,000.*

While wanting to be as helpful as we can, we nonetheless reiterate that these estimates are extremely rough, and may and in all likelihood would be subject to upward variations. A protective buffer should therefore be factored in.”

Item 11.2.3 Action 2: Further discussions with Minister and Service Stream

The Minister was clear and final in the response provided. More direction is required if these discussions are to be taken further. A Council Officer has been communicating with the Project Manager for Telecommunication Infrastructure in the policy team for the Department of Jobs, Precincts and Regions. He has advised that the local member of parliament has raised the issue with the Minister for Innovation. The advice from that office confirms the message from the Minister for Planning.

Since the original motion was carried in November 2018, a letter was sent to Service Stream in January 2019. A response was received in May 2019 (**Attachment 11.2.3b**). Their response was also clear, stating that they followed the correct procedure and has no intention in moving the tower as it would come at significant cost.

Item 11.2.3 Action 2: Gain further advice on the implications of the Victorian Charter of Human Rights with regards to the project, and Council's responsibilities under the Victorian Charter of Human Rights Act 2006

To respond to this action, Council Officers requested legal advice. This was the response:

Relevantly, clause 52.19 of the Moorabool Planning Scheme provides for planning controls with regard to telecommunications facilities within the municipality.

More specifically, clause 52.19-3 provides for an exemption from the notice requirements of section 52 of the Planning Environment Act as well as an aggrieved person's review rights under section 82 of the Planning and Environment Act.

The Moorabool Planning Scheme provides –

“An application under any provision of this scheme to use or develop land for a Telecommunications facility is exempt from the notice requirements of section 52(1)(a), (b) and (d), the decision requirements of section 64(1), (2) and (3) and the review rights of section 82(1) of the P&E Act if the Telecommunications facility is funded, or partly funded, by:

- The Commonwealth through the Mobile Black Spot Program; or*
- The State of Victoria.”*

Whilst this exemption appears inconsistent with the Charter (as it restricts an aggrieved person's review rights), and section 38(1) of the Charter makes it unlawful for a Council (as a public authority) to act in a way that is incompatible with a human right, section 38(2) provides that sub section (1) does not apply in circumstances where, as a result of a statutory provision, a Council could not reasonably have acted differently or made a different decision (for example, where Council is acting to give effect to a statutory provision that is incompatible with a human right).

Further, section 82(3) of the Act provides that if a planning scheme exempts a decision of an application for a permit from the review rights of an objector then an application for review cannot be made in respect of that decision.

Therefore, even if the relevant provision of the Moorabool Planning Scheme were deemed to be inconsistent with a human right, Council remains protected by the ambit of section 38(2) of the Charter.

Financial Implications

There are no financial implications involved with preparing this report or carrying out the actions stipulated by the two Council resolutions. However, there are significant financial implications associated with applying to VCAT to cancel the permit (as discussed).

Risk & Occupational Health & Safety Issues

There are no risk and occupational health and safety issues involved with preparing this report or carrying out the actions stipulated by the two Council resolutions.

Community Engagement Strategy

Community engagement for planning matters are undertaken in accordance with the *Planning & Environment Act 1987*. As previously indicated notice was exempt for this application.

Communications and Consultation Strategy

There is no communication and consultation strategy involved with preparing this report or carrying out the actions stipulated by the two Council resolutions.

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.

For more detail, see the legal advice provided to Council in Item 11.2.3 Action 2.

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 – Vanessa Osborn

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

Conclusion

In response to the three actions in the Council resolution dated 7 November, 2018:

- 1) A letter was sent to the Minister for Planning requesting a review of Clause 52.19 – 3 which exempts the requirement of advertising planning applications for telecommunication facilities that are funded or partly funded by the Mobile Black Spot Program, or the State of Victoria. A response was received stating that the review will be included in the Code review by 2021.

- 2) A letter was sent to the applicant Vodafone and the landowner Victorian Rail Authority to request the proposed tower to be shifted at least 150m away from the closest dwelling. A response was received from Vodafone (via Service Stream) stating the correct procedure was followed and has no intention in moving the tower as it would incur significant cost. No response has been received from Victorian Rail Authority.
- 3) An investigation was undertaken, based on the 'As built plans' provided by the applicant and the site inspection by the Council Building Inspector, it is concluded that the construction of the telecommunication tower for the regional rail project has been carried out in accordance with the planning permit and endorsed site plans.

An inspection was carried out by the Enforcement Team found that certain conditions of the planning permit have not been met. The Assets team and Enforcement team will work together to escalate the enforcement proceedings as required to ensure compliance with the Moorabool Planning Scheme. Although a relatively minor non-compliance, if a satisfactory outcome is not reached within the stipulated timeframe this may involve an application for an enforcement order through VCAT. This is considered a separate matter to that being addressed in this report.

In response to the actions in the Council resolution dated 3 April 2019:

- 1) The VCAT implications for cancelling the permit was outlined and estimated costs provided. In summary, Council is a body that can apply to VCAT for the cancellation of the permit. However, it is unlikely the case would be seen by VCAT due to the reasoning for the application to cancel. It is also unlikely that the decision would be favourable based on the limitations discussed. Further, if the application was approved to go to VCAT, Council may be liable for all associated costs.
- 2) Further discussions with the Minister and Service Stream do not seem appropriate based on the responses received.
- 3) Legal advice was sought with regards to the Victorian Charter of Human Rights. It was advised that Council was not in breach of the Charter due to the Planning Scheme Clause 52.19-3.

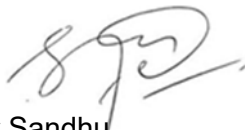
Recommendation:

That Council receive this report as a response to the two Council resolutions in relation to the Telecommunication Tower Application PA2017-273 and that the matter regarding the notification of the application and location of the tower is now closed.

Report Authorisation

Authorised by:

Name: Satwinder Sandhu
Title: General Manager Community Planning
Date: Tuesday 09 July 2019



Attachment Item - 11.2.3a



Hon Richard Wynne MP

Minister for Planning
Minister for Housing
Minister for Multicultural Affairs

8 Nicholson Street
East Melbourne, Victoria 3002
Telephone: 03 8683 0964
DX210098

Mr Derek Madden
Chief Executive Officer
Moorabool Shire Council
PO Box 18
BALLAN VIC 3342

MOORABOOL SHIRE COUNCIL
CENTRAL RECORDS

Ref: MIN053089



01 MAR 2019

File No. 11/01/004

Dear Mr Madden

PLANNING REQUIREMENTS FOR TELECOMMUNICATION FACILITIES

Thank you for your letter of 16 January 2019 requesting a review of the planning considerations for telecommunications facilities.

In 2017, the Victorian Government committed to funding new mobile phone telecommunications facilities through the Regional Rail Connectivity Project, Victorian Mobile Project and Connecting Regional Communities Program. To support the timely delivery of this important infrastructure and enable communities to sooner realise the social, economic and safety benefits of better mobile phone coverage, I extended the existing notice and review exemption in Clause 52.19 to all permit applications for State-funded telecommunications facilities.

Councils retain the authority to assess the design and siting of telecommunications facilities through the permit application process. Clause 52.19 provides a framework for the assessment of applications, consisting of application requirements and decision guidelines, including a requirement to consider the principles for the design, siting, construction and operation of a telecommunications facility set out in *A Code of Practice for Telecommunications Facilities in Victoria* (the Code).

I acknowledge your advice about the frustration of some community members resulting from the construction of telecommunications facilities close to dwellings. I am satisfied that the planning provisions are operating appropriately by enabling Victorian communities to benefit from a faster rollout of improved mobile phone coverage and by ensuring councils can assess the design and siting of facilities through the planning permit process.

Through *Plan Melbourne 2017-2050*, the Victorian Government has committed to reviewing the Code by 2021. I have asked the Department of Planning, Environment, Land, Water and Planning (DELWP) to also review the operation of Clause 52.19, including the notice and review exemptions, as part of the future Code review.

If you would like more information about this matter, please call Joel Twining, Senior Policy Officer, DELWP, on 8392 5433 or email joel.twining@delwp.vic.gov.au.

Yours sincerely

HON RICHARD WYNNE MP
Minister for Planning

26 / 2 / 19

Attachment Item - 11.2.3b

10 May 2019

Vanessa Osborn
Statutory Planning Project Officer
Moorabool Shire Council
PO Box 18
Ballan VIC 3342

Email to: vosborn@moorabool.vic.gov.au

Site No: 340636
Site Name: Gordon
Site Address: Sullivans Road Millbrook, VIC

Dear Ms.Osborn,

Service Stream Ltd acts on behalf of Vodafone Network Pty Ltd.

We refer to your letter dated 16 January 2018 regarding the Telecommunications Tower PA2017 273 at the abovementioned address.

At the outset we wish it to be noted that this facility is part of the Regional Rail State Government Program and as you have pointed out in paragraph 2 of your letter the process for application and approval of a planning permit is exempt from public notification and objection. We note that one objection was received however, this only related to the joint use of the access track and is not specifically related to the proposed construction of the pole. No communication was received from the party which is currently subject of this letter.

The Service Stream Planner lodged the application with Council on 24 November 2017. Council contacted the Planner on 17 January 2018 and advised that under Clause 52.19-3, the application lodged on 24 November 2017 was exempt from notification.

On 2 March 2018 Council notified Service Stream that an objection was raised by the owner of the property at 52 Sullivans Rd. This purported objection related to the owners concern regarding the possible damage to the access track that they would be sharing use of with the Telco. Service Stream was advised that it was Councils position that the concerns of the objector would be required to be considered at an upcoming Council Meeting, despite the fact that there is no objection process.

The topic of this objection and the associated development application were addressed and discussed by the Council Committee at the meeting on 18 April 2018 – Item 5.3

5.3 Planning Permit Application PA2017 273 – T. Tonkin Page 53 Resolution
Development of a Telecommunications Facility at
Sullivans Road, Millbrook.

According to the Council Agenda for the meeting, although formal notice of the application was not required to be given, the application was “publicly visible on Councils planning application database, Greenlight”.

Following this meeting, notification was provided to Service Stream on 20 April 2018, that the Development Application was approved per the Council Officers recommendation. The planning Permit was received around 14 May 2018.



Prior to lodging its application, Service Stream as representatives of Vodafone undertook extensive scoping and analysis of multiple candidates that would meet the parameters of the Regional Rail Program and presented those to Vodafone. The final site was selected based on the site specific information and RF transmission requirements.

Whilst VHA is sympathetic to the concerns raised by Council, VHA has followed all processes prescribed in obtaining planning consent from Moorabool Council and has accordingly invested significant capital funds in constructing the facility. To give any consideration to a relocation would require commencing the planning process again and duplication of capital investment as these facilities cannot be reused.

Should you require any information or wish to discuss the matter further, do not hesitate to contact me via phone on (03) 9937- 6219 or mobile 0439 497 948, alternatively via email on miranda.johnston@servicestream.com.au

Yours faithfully,

A handwritten signature in black ink that reads "Miranda Johnston".

Miranda Johnston
Property Consultant
Service Stream – Network Construction

11.3 COMMUNITY DEVELOPMENT

11.3.1 Consideration of Public Submissions to the proposed Discontinuance of a Portion of Government Road – Howards Road, Navigators

Introduction

Author: Michelle Morrow
General Manager: Sally Jones

Background

On Wednesday 1 May 2019, Council resolved for officers to give public notice of its intention to discontinue a portion of road reserve identified as Howards Road, Navigators and to seek public submissions under section 207A of the *Local Government Act 1989*.

In accordance with section 223 of the Act, Council is required to formally consider any submissions received and allow any submitter to address Council in relation to their submission should they request to do so.

Proposal

This report is presented to Council at the end of the public submission period which concluded on Monday 17 June 2019.

Three submissions have been received by Council with one submitter requesting to be heard in support of their submission at the Ordinary Meeting of Council. The submissions have been attached to this report for consideration. (**Attachment 11.3.1**)

Policy Implications

The 2017 - 2021 Council Plan provides as follows:

Strategic Objective 1A: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to consider submissions in relation Council's intention to discontinue a portion of government road identified Howards Road, Navigators is consistent with the 2017-2021 Council Plan.

Financial Implications

There have been no financial implications identified as a result of the submissions received by Council.

Risk & Occupational Health & Safety Issues

There are no perceived risks or occupational health and safety issues related to this proposal.

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions	General public and property owners	Public notice in newspaper and Council website	Moorabool district	May/June 2019	General public supported to submit submissions

Communications and Consultation Strategy

Under section 207(A) of the Act, a person has the right to make a submission under section 223 of the Act in respect of Council proposing to discontinue a road within its municipality under Schedule 10 clause 3 of the Act.

Section 223 of the Act requires Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council's website.

Advertising was undertaken in accordance with section 223 of the Act in the regional (Ballarat Courier) newspaper on Saturday 18 May and on Tuesday 21 May 2019 in the local (Moorabool News) newspaper inviting public submissions on the proposed road discontinuance being considered.

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 limit, restrict or interfere with any human rights issues. The matter was advertised in accordance with statutory process under section 207A and 223 of the Act.

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 – Sally Jones

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

Authors –Michelle Morrow

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

Conclusion

Council has received three submissions as part of the section 223 statutory process and has provided submitters with the opportunity to address Council in relation to their submission. At the conclusion of this public submission process a report will be presented to the Ordinary Meeting of Council in September 2019 whereby Council will consider the submissions received and make its determination in relation to the discontinuation of Howards Road, Navigators under section 206 and Schedule 10 clause 3 of the Act.

Recommendation:

That Council:

1. **Receive the submissions as presented in this report as a result of undertaking the statutory public submission process in accordance with sections 207A and 223 of the Local Government Act 1989 pertaining to Council's intention to discontinue a portion of government road identified Howards Road, Navigators.**
2. **Receive a further report at its Ordinary Meeting of Council to be held 4 September 2019 to consider the discontinuation of a portion of government road identified as Howards Road, Navigators.**

Report Authorisation

Authorised by:

Name: Sally Jones
Title: General Manager Community Development
Date: Wednesday 09 July 2019



Attachment Item - 11.3.1

2 July 2019

Moorabool Shire Council
CEO Mr. Derek Madden

Sent by email: info@moorabool.vic.gov.au

Proposed Road Discontinuance of Howards Road Navigators.

Dear Derek,

Walsh Ballarat Quarries Pty Ltd is a family owned business and has been operating and supplying quality crushed rock products for over thirty years.

Our Company has only become aware of the proposed road closure by a nearby neighbor as late as last week. As an adjoining property we were not advised by Moorabool Shire Council and we believe we should have been notified of this important change and closure to Howards Road.

The purpose of this letter is:

Even though both roads (Howards Road & Ditchfield Road North) are useful to our business operations it is important to highlight our concerns with regards to the provision of emergency access for our employees and contractors to Ditchfield Road North at all times so that we don't become land locked.

We seek confirmation from Moorabool Shire that there is no intention to close "*Ditchfield Road North*" which is a boundary road to our business operations. We believe Ditchfield Road is required to remain open for rear access to our property and strongly believe this is important due to Occupational Health & Safety and Mining reasons.

Yours faithfully,

[Redacted Signature]

**WALSH BALLARAT
QUARRIES PTY. LTD.**

ABN: 87 006 087 716



Quarry and Office

Dunnstown - Yendon Road, Yendon.

Telephone (03) 5334 7744

Facsimile (03) 5334 7329

Email: dunnstown@walshquarries.com.au

Quarry and Office

Learmonth - Sulky Road, Learmonth.

Telephone (03) 5343 2464

Facsimile (03) 5343 2523

Email: learmonth@walshquarries.com.au

Website: www.walshquarries.com.au

Postal Address

PO Box 2477

Bakery Hill Vic 3354

14 JUN 2019

To the Chief Executive Officer

File No. 344

I am writing in regards to the discontinuation of Howards Rd Dunstown.

We are farmers that's have land that backs onto Ditchfeilds Rd a continuation of Howards rd. We use ~~Howards Rd regularly for our business. One of the main reasons is for a share farming block on keilys Rd and access that block by Howards Rd and use this road many times through the year. We use this road once a week when in crop and can do up to 50 loads with agriculture machines in two days at harvest time.~~

We see this road as a key to our business for efficiency and safety as it keeps agricultural machinery off more commonly used roads by a large number of cars and quarry trucks.

We believe that if this road is to be closed there should be an alternative road put in that is maintained to the same standard as Howards Rd.

We also have concerns relating to safety for staff and livestock in the case of a fire. Howards road gives the property an escape or entry point for emergency vehicles to the north west of our farm in the case of an emergency. Access is already limited due to over burden walls on neighbouring Quarry's and spring creek on Ditchfeilds Rd and closing this road will make putting out a fire much harder and would put our farm and neighbouring house in significantly more danger.

I am also requesting to be heard in support of my submission

Regards [REDACTED]

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

From

Date Thu Jul 18 12:09:07 PM AEST 2019

To

cc

bcc

Subject proposed road closure Howards Road Navigators-4B-17\pp3760

Moorabool shire council

Attention Derek Madden

I appose the above road closure

access to my property-fire danger -access to fight fires and escape in the event of fires.

my concern with the road closure is-will another access road be made and maintained.

waiting for your response

thankyou.

Regards,

--

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11.3.2 2017 - 2021 Council Plan - 2019 End of Year Review

Introduction

Author: Yvonne Hansen
Acting General Manager: Sharon McArthur

Background

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

The Four Strategic Objectives outlined in the Council Plan and that guides new initiatives and continuing services are:

1. Providing Good Governance and Leadership
2. Minimising Environmental Impact
3. Stimulating Economic Development
4. Improving Social Outcomes

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

Quarterly performance reporting allows Council to effectively measure, monitor, review and report on its performance, while providing open and transparent reporting to the community. This report presents the end of year review of performance against the actions set for the 2018/19 financial year.

Proposal

The 2017 – 2021 Moorabool Shire Council Plan - 2019 End of Year Review is provided as **Attachment 11.3.2**.

Overall there were 70 actions to be achieved this financial year.

Of these actions, 31 actions having reached 90% or greater of their target for the period, 32 actions having achieved between 60% and 90% of their target and 25 actions remain at less than 60% of their target.

The following table summarises the status of those actions set to be achieved in the 2018/19 financial year:

Strategic Objective	Completed	In Progress	Deferred	Total
Providing Good Governance and Leadership	14	16	1	31
Minimising Environmental Impact	2	11	0	13
Stimulating Economic Development	2	8	3	13
Improving Social Outcomes	4	7	0	11
Rolled over from previous Council Plan	1	1	0	2
Totals	23	43	4	70

Policy Implications

The 2017 - 2021 Council Plan provides as follows:

Strategic Objective 1A: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

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

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Due to the nature of this report, it does not require a Community Engagement Strategy.

Communications and Consultation Strategy

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

Victorian Charter of Human Rights 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.

Acting General Manager – Sharon McArthur

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

Author – Yvonne Hansen

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

Conclusion

Progress is being made on all actions of the Council Plan. Overall, there are 70 actions being reported in the last quarter of the 2018/19 financial year.

Recommendation:

That Council resolve to receive the 2017-2021 Moorabool Shire Council Plan – 2019 End of Year Review.

Report Authorisation

Authorised by:



Name:

Sharon McArthur

Title:

Acting General Manager Community Development

Date:

Wednesday 24 July 2019



Moorabool Shire Council

PREMIUM Action and Task Progress Report

July 2018 - June 2019

Report Filters:

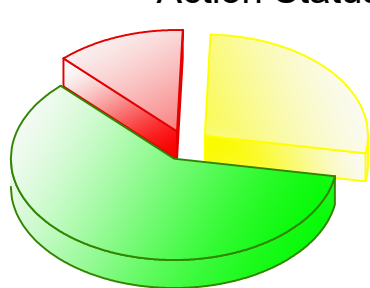
Date From :01-07-2018

Date To :30-06-2019

Display Task : No

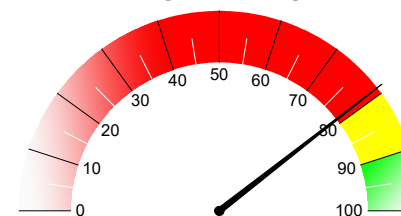
Action Filter :Council Plan

Action Status



Off Track	12.9%
Monitor	27.1%
On Track	60.0%
No Target	0.0%
Total:	100.0%

Action Progress Against Targets



- 70 Actions reported on
- 42 At least 90% of action target achieved
- 19 Between 60 and 90% of action target achieved
- 9 Less than 60% of action target achieved
- 0 Actions with no target set

Strategic Objective: 1 Providing Good Governance and Leadership

Context: 1.1 (1A) Our Assets and Infrastructure

STRATEGIC ACTION: 1.1.2 Review Asset Management Plans

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.1.2.1 Review Asset Management Plan - Transport	Completed	1/07/2018	30/06/2019	100%	100%	

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Asset Management	Recurrent				

Action Progress Comments

A review of Council's four existing Asset Management Plans has been completed and a presentation was made to Councillors on Wednesday 5 June. The suite of updated plans will be presented to Council in late 2019 following the completion of a condition audit of Councils Road Infrastructure.

Last Updated - 01/07/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.1.2.2 Review Asset Management Plan - Buildings	Completed	1/07/2018	30/06/2019	100%	100%	

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Asset Management	Recurrent				



Action Progress Comments

A review of Council's four existing Asset Management Plans has been completed and a presentation was made to Councillors on Wednesday 5 June. The suite of updated plans will be presented to Council in late 2019 following the completion of a condition audit of Councils Road Infrastructure.


Last Updated - 01/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.1.2.3 Review Asset Management Plan - Water	John Miller - Manager Asset Management	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Asset Management	Recurrent						
Action Progress Comments							
A review of Council's four existing Asset Management Plans has been completed and a presentation was made to Councillors on Wednesday 5 June. The suite of updated plans will be presented to Council in late 2019 following the completion of a condition audit of Councils Road Infrastructure.							
Last Updated - 01/07/2019							


STRATEGIC ACTION: 1.1.3 Produce State of the Assets reports

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.1.3.1 Review Asset Management Plan - Open Space	John Miller - Manager Asset Management	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Asset Management	Recurrent						
Action Progress Comments							
A review of Council's four existing Asset Management Plans has been completed and a presentation was made to Councillors on Wednesday 5 June. The suite of updated plans will be presented to Council in late 2019 following the completion of a condition audit of Councils Road Infrastructure.							
Last Updated - 01/07/2019							
Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.1.3.2 Produce State of the Assets Reports	John Miller - Manager Asset Management	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Asset Management	Recurrent						
Action Progress Comments							
The first State of the Assets report has been prepared. The report will be updated in late 2019 following completion of the next Road Condition Audit.							
Last Updated - 18/07/2019							


STRATEGIC ACTION: 1.1.4 Produce 10 Year Capital Improvement Programs

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.1.4.1 Produce 10 Year Capital Improvement Programs (2017-2021) - Year 2 Progress	John Miller - Manager Asset Management	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Asset Management	Recurrent						
Action Progress Comments							
A draft Capital Improvement Program for 2019/2020 has been developed and was adopted at the Ordinary Meeting of Council on on Wednesday 3 July 2019. As this action is allocated over multiple years, the program is intended to be expanded to a ten year program for the 2020/2021 budget.							
Last Updated - 10/07/2019							


STRATEGIC ACTION: 1.1.5 Deliver Annual Capital Improvement Programs

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.1.5.1 Deliver Annual Capital Improvement Programs (2017-2021) - Year 2 Progress	Tristan May - Capital Works Coordinator	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Project Management	Recurrent						
Action Progress Comments							
The Capital Improvement Program for 2018/19 achieved a completion rate of 85.3%. The Capital Improvement Program quarterly progress report to Council provides further detail on each individual project.							
Last Updated - 02/07/2019							

STRATEGIC ACTION: 1.1.7 Finalise the Community Infrastructure Framework

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.1.7.1 Finalise the Community Infrastructure Framework	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	80%	100%	 YELLOW
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Strategic Land Use Planning	Recurrent						
Action Progress Comments							
Fitness for Purpose Assessments of pavilions, community venues, library, kindergartens and Maternal & Child Health Services has been completed and feedback from Managers is being incorporated into the final framework. These meetings will confirm the appropriate scoring and weighting for each of the facilities.							
The Community Infrastructure Framework was presented to Councillors at an Assembly of Councillors in June 2019. It will now go be presented at the August Ordinary Meeting of Council for endorsement for community consultation.							
Last Updated - 08/07/2019							

STRATEGIC ACTION: 1.1.9 Develop Infrastructure Policy

<i>Action</i>	<i>Action Status</i>	<i>Start Date</i>	<i>End Date</i>	<i>% Comp.</i>	<i>Target</i>	<i>% OnTarget</i>	
1.1.9.1 Develop Infrastructure Policy for traffic calming (2017-2021) - Year 2 Progress	John Miller - Manager Asset Management	Completed	1/07/2018	30/06/2019	100%	100%	
<i>Activity</i>	<i>Budget Type</i>	<i>Budget</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Variance</i>		
Asset Management	Recurrent						

Action Progress Comments
 The Traffic Calming Policy was adopted at the Ordinary Meeting of Council in July 2018.
 Last Updated - 14/09/2018



Context: 1.2 (1B) Our People

STRATEGIC ACTION: 1.2.1 Councillor Development

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.2.1.1 Councillor Development – induction and ongoing professional development (2017-2021) - Year 2 Progress	Derek Madden - Chief Executive Officer Completed	1/07/2018	30/06/2019	100%	100%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
CEO's Office	Recurrent				

Action Progress Comments

Ongoing support and training opportunities are available to Councillors as required. Council passed a resolution at the Ordinary Meeting of Council on 5 September 2017 in relation to this issue.

Last Updated - 12/07/2019

STRATEGIC ACTION: 1.2.2 Organisational Development (consistent with Business Excellence)

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.2.2.10 Prepare an Organisational Development Strategy	Karen Jansen - Executive Manager - People and Culture In Progress	1/07/2018	30/06/2019	50%	100%	 RED


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Business Excellence	Recurrent				

Action Progress Comments

A framework has been developed for consultation and will be consolidated for final dissemination to all parties in February 2019. The framework includes strategies and plans for leadership development, employee engagement, integration of systems and process, future workforce planning including reward and recognition. This action will be completed by 30 June 2019.

Last Updated - 25/02/2019

STRATEGIC ACTION: 1.2.5 Customer Service

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.2.5.2 Review the Customer Service Policy & Strategy	Ian Waugh - Mgr Community & Recreation Development Deferred	1/07/2018	30/06/2019	20%	100%	 RED


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Customer Service	Recurrent				

Action Progress Comments

Due to other projects and issues impacting on customer service provision this item has been deferred into the 2019/20 year and will not be completed in 2019.

Last Updated - 27/02/2019

STRATEGIC ACTION: 1.2.6 Risk and OHS Management

Action		Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.2.6.1 Develop an OHS Strategy	Michelle Morrow - Governance Co-Ordinator	In Progress	1/07/2017	30/06/2019	95%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Risk Management & OHS	Recurrent				

Action Progress Comments

The Occupational Health and Safety Strategy has been developed and will now enter into the next phase under the Council Plan to enhancing our OHS systems and procedures for the Organisation throughout 2019-2021.

Last Updated - 27/06/2019

Action		Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.2.6.2 Enhance OHS systems and procedures (2017-2021) - Year 2 Progress	Sally Jones - GM Community Development	In Progress	1/07/2018	30/06/2019	80%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Risk Management & OHS	Recurrent				

Action Progress Comments

Sixteen Occupational Health and Safety procedures have been developed in accordance with the draft Occupational Health and Safety Management System. The procedures have been presented to the OHS Committee for review and feedback. Identified staff as experts in their fields are to undertake a final review. The additional coordinator resource in the Risk/OHS area will see this project finalised within the first quarter of 19/20.

Last Updated - 05/07/2019


Action		Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.2.6.3 Review identified corporate, strategic and operational risks (2017-2021) - Year 2 Progress	Sally Jones - GM Community Development	In Progress	1/07/2018	30/06/2019	90%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Risk Management & OHS	Recurrent				

Action Progress Comments

Council's Strategic Risk Profile was adopted by the Council at its Ordinary Meeting Wednesday 3 April 2019. Operational risks have been reviewed and reviewed by individual service units. Management team has reviewed and identified the main corporate risks and these risks are being prepared for final review. The additional coordinator resource in the Risk/OHS area will see the project finalised within the first quarter of 19/20.

Last Updated - 05/07/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.2.6.4 Implement child safety standards across the organisation	Sharon McArthur - Manager Child, Youth & Family,	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments

The child safety standards and reportable conduct scheme policies were adopted by Council at its meeting in May 2018. An action plan has been developed and this is currently being implemented across the organisation. A presentation was made to the Management Team in August 2018 outlining how these policies relate to all areas of Council. A child safety statement is now listed on job advertisements for Council and all new or updated staff position descriptions reflect Council's commitment to child safety. The next step is for each manager to complete an action plan for their areas in relation to how their unit meets the Child Safety standards.

Last Updated - 24/06/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.2.6.5 Review the Risk Management Strategy and Framework	Michelle Morrow - Governance Co-Ordinator	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Risk Management & OHS	Recurrent				


Action Progress Comments

The Risk Management Strategy and Framework has been completed. The Strategic Risk Profile, as a component of the Framework, was endorsed by Council at the Ordinary Meeting of Council in April 2019. This action is completed.

Last Updated - 27/06/2019

Context: 1.3 (1C) Our Business & Systems

STRATEGIC ACTION: 1.3.1 Legislative and Regulatory


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.1.1 Review the Local Law	Robert Fillisch - Manager Statutory Planning & Community Safety	In Progress	1/07/2017	30/06/2019	97%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Local Laws Compliance	Recurrent				

Action Progress Comments

The local law needs the notification process to be repeated. Once complete the Local Law will be presented to the August Council meeting for consideration of adoption.

Last Updated - 26/06/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.1.2 Review the Municipal Strategic Statement (MSS) (2017-2019)	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2017	30/06/2019	50%	100%	 RED


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				

Action Progress Comments

Delivery of the Moorabool Planning Scheme Review will be facilitated and the project finalised in 2019. The review comprises of 3 stages. The first two stages (review and recommendations) will be delivered by a Consultant, stage 3 (amendment) will be undertaken by Council.

Stage One Draft report was presented to Council for input at the June 2019 s86 Moorabool Growth Management Committee. Stage 2 has commenced.

Last Updated - 08/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.1.57 Develop an Enforcement Policy	Robert Fillisch - Manager Statutory Planning & Community Safety	In Progress	1/07/2018	30/06/2019	90%	100%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Safety	Recurrent				

Action Progress Comments

Draft policy has been completed and will be presented to the executive in July with the view to trial for 12 months before full adoption.

Last Updated - 27/06/2019

STRATEGIC ACTION: 1.3.2 ICT

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.2.1 Implement Phase 2 (Intranet) of the Digital Strategy (2017-2019)	Lalitha Koya - Manager ICT	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Information Communication & Technology	Recurrent				

Action Progress Comments

Successfully implemented fully functioning new intranet product on the live tiles platform.

Last Updated - 25/03/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.2.2 Streamline integrated corporate reporting systems and methods	Sally Jones - GM Community Development	Completed	1/01/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments

A review of the corporate reporting systems and methods has been undertaken . Actions have been identified including the better use of electronic systems to report on performance against agreed actions.

Last Updated - 11/12/2018

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.2.3 Implement Phase 3 (GIS replacement) of the Digital Strategy (2017-2019)	Lalitha Koya - Manager ICT	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Information Communication & Technology	Recurrent				

Action Progress Comments

As a part of Implement Phase 3 of the Digital Strategy (2017-2019), Current Geographic Information System (GIS) platform is now successfully moved to Spectrum Spatial Analyst (SSA) platform across all council's service units.

Last Updated - 24/06/2019

STRATEGIC ACTION: 1.3.3 Service Reviews

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.3.1 Develop Service Plans for all services (2017-2019) - Year 2 Progress	Sally Jones - GM Community Development	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments

Service Plans have been developed for service unit for 2018/2019.

Last Updated - 25/03/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.3.2 Governance: Undertake service review in accordance with the policy and framework and as determined by Council	Sally Jones - GM Community Development	In Progress	1/07/2018	30/06/2019	70%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments

The Governance Service Review and Governance Framework has been prepared. Due to change of management and service unit structure with an appointment of the Manager Governance, Risk and Corporate Planning in the final quarter of 18/19, the Service Review report has seen further enhancements and will be presented to the Council for endorsement in the first quarter 19/20.

Last Updated - 05/07/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.3.5 Cleaning of Public Toilets: Undertake service review in accordance with the policy and framework and as determined by Council	Daniel Smith - Manager Operations	Completed	30/08/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Parks and Gardens	Recurrent				

Action Progress Comments

The service review has been completed and a report has been submitted for review. The report was presented at the Assembly of Council on 26/06/2019.

Last Updated - 17/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.3.6 Visitor Information Centre: Undertake service review in accordance with the policy and framework and as determined by Council	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	70%	100%	 YELLOW


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Tourism	Recurrent				

Action Progress Comments

Service review of the Bacchus Marsh Visitor Information Centre has been completed. Workshops were held in April 2019 with Volunteers regarding the ongoing delivery of Visitor Information services in Moorabool. Council officers are awaiting the outcomes of a State Government review into Visitor Information services which is anticipated to be received in June 2019. A presentation to Council, outlining the review findings and proposed recommendations and will be provided in the later half of 2019.

Last Updated - 05/07/2019

STRATEGIC ACTION: 1.3.4 Financial Sustainability


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.4.1 Annually review the Long Term Financial Plan (2017-2021) - Year 2 Progress	Steven Ivelja - Chief Financial Officer	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Financial Service	Recurrent				

Action Progress Comments

A revised long term financial plan was developed as part of the 2019/20 Adopted Budget and has been incorporated into the adopted Strategic Resource plan.

Last Updated - 11/07/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
1.3.4.2 Annually review the need to make a rate cap variation (2017-2021) - Year 2 Progress	Steven Ivelja - Chief Financial Officer	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Financial Service	Recurrent				

Action Progress Comments

Council resolved to not apply for a rate cap variation at an Ordinary Meeting of Council on Wednesday the 5th of December 2018.

Last Updated - 13/12/2018

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.3.4.3 Identify and develop shared services with other LGs, community and private sector organisations (2017-2021) - Year 2 Progress	Sally Jones - GM Community Development In Progress	1/07/2018	30/06/2019	75%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments

The project is being undertaken in phases over the four-year life of the Council Plan 2017-2021. Phase one was the preparation of a report to the Executive Management Team; phase 2 is the preparation of scoping/business plans for new or expanded shared service opportunities including the determination of charge out rates and preparation of marketing materials including capability statements; phase three is the implementation of the new or expanded shared service opportunities.

Opportunities for shared services with Hepburn Shire Council and Golden Plains Shire Councils are progressing in relation to waste, recycling and building surveying services. The Central Highlands Group of Councils (including Moorabool Shire) have established an incorporated association and secured resources from the Victorian Government to facilitate the establishment of shared services in the region. Discussions are currently taking place with a number of Councils in relation to a joint road asset condition collection project. Discussions are also currently taking place with the regional waste and resource recovery group in relation to joint procurement opportunities for waste services. This action is being implemented over the life of the council plan.

Last Updated - 25/03/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
1.3.4.4 Seek funding for new, upgrade and renewed community facilities (2017-2021) - Year 2 Progress	Sally Jones - GM Community Development In Progress	1/07/2018	30/06/2019	75%	100%	 YELLOW


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments

Applications for funding under the Country Football Netball Program have been submitted and were successful for the Ballan Recreation Reserve Netball Courts & Lighting Upgrade (\$50,000) and Darley Parks Oval Lighting Upgrade Projects (\$50,000). Applications for the Bacchus Marsh Racecourse & Recreation Reserve Stage 1 A Pavilion, Gordon Recreation Reserve Netball Facilities and Bald Hill Activation Plan were successful. Staff also assisted Community groups with applications to the State Government "Pick My Project" fund. This action will be completed by the 30 June 2019. Staff also assisted the Darley Football Netball Club with a successful application for a Federal Government grant of \$150,000 for the lighting project at Darley Park

Last Updated - 25/03/2019

Strategic Objective: 2 Minimising Environmental Impact**Context: 2.1 (2A) Built Environment****STRATEGIC ACTION: 2.1.1 Develop frameworks for each small town & action plans to address components in (current) strategies**

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.1.1.1 Develop frameworks for each small town and action plans to address components identified in the Small Towns Strategy, Bacchus Marsh Urban Growth Framework, Ballan Structure Plan, Tree Strategy and Gateways Strategy. (2017-2021) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	60%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				

Action Progress Comments

Council has completed a Township Improvement Plan for Elaine. Council are putting together a delivery timetable for the TIP's for other small towns and settlements.


Ballan Strategic Directions was presented to the March 2019 Ordinary Meeting of Council and was authorised to proceed to Panel. Panel Hearing dates are yet to be confirmed. The Directions Hearing has been scheduled for 4 April, 2019 at 10.00am. The public Panel Hearing is scheduled to commence on the week of 27 May; specific details will be provided post Directions Hearing.

The Tree Strategy was adopted May 2018.

Council has reviewed the Destination Management Plan 2013 to 2018, staff are currently developing a project outline for the next iteration of the Destination Management Plan and its relationship with the Economic Development Strategy 2015.

Last Updated - 08/07/2019

STRATEGIC ACTION: 2.1.2 Implement the Gordon Infrastructure & Structure Plans

Action		Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.1.2.1 Implement the Gordon Infrastructure Plan. (2017-2019) - Year 2 Progress	Ewan Nevett - Manager Engineering Services	In Progress	1/07/2018	30/06/2019	80%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Infrastructure Subdivision Development	Recurrent				

Action Progress Comments


The Gordon Infrastructure Plan involves upgrading the Russell Street & Main Street intersection, bus stop relocation, car parking improvements, the development of high amenity/place making locations, drainage improvements, footpath connection improvements and landscape improvements between the Gordon Public Hall and Lyndhurst Street .

Following a community engagement process in November and December 2017 and a subsequent session in March 2018, plans were adopted for the project.

Tenders were advertised in November 2018 and Council approved the contract award on 17 December 2018 to Butler Excavations.

Works commenced on site in early March 2019 and were expected to be completed by the end of the the 2018-2019 financial year. Minor delays due to adverse weather during May and minor scope changes will now see the completion of site works in the first week of August 2019.

Last Updated - 27/06/2019

Action		Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
2.1.2.2 Implement the Gordon Structure Plan. (2017-2019) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				


Action Progress Comments

A report was presented to the S86 Rural Growth Strategy Committee in February 2018 as a way forward on the potential scope for further refining the plan. The Committee resolved to defer the matter and to receive a further report on the plan. Subsequent to this meeting, the project was put on hold by Executive Team pending instructions .

The project has since been removed from the Council Plan (refer updated Council Plan that was adopted on 13 July 2019) and the project is therefore reflected as 100% considering the above action will no longer be reported in the Cammsstrategy.

Last Updated - 08/07/2019

STRATEGIC ACTION: 2.1.4 Work with relevant authorities to ensure that flooding and bushfire risks are addressed

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.1.4.1 Incorporate flood mapping into the Planning Scheme (2017-2021) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	60%	100%	 YELLOW


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Environmental Management	Recurrent				

Action Progress Comments

A peer review of Melbourne Water's modelling has now been completed. A report was tabled at an Assembly of Councillors on 21 February 2018 concerning the outcomes of the review and the next steps in addressing flood risk within the planning scheme. Melbourne Water is the initiator of the Amendment and timing for the Amendment requests is at Melbourne Water's discretion.

A report was being presented to the S86 Moorabool Growth Management Committee meeting in June 2019, advising Councillors of the status of this project. A report to September 2019 Council meeting will seek authorisation of this Amendment.

Last Updated - 08/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.1.4.2 Review Bushfire Management Overlays (BMO) (2017-2021) - Year 2 Progress	Andrew Goodsell - Mgr, Strategic Planning & Development	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Environmental Management	Recurrent				

Action Progress Comments

The Department of Environment, Land, Water and Planning (DELWP) has undertaken mapping and finalised a planning scheme amendment to include the Bushfire Management Overlay. Council officers notified residents of the State Government driven amendment in October 2017.

Last Updated - 13/09/2018

STRATEGIC ACTION: 2.1.5 Review and implement a Bacchus Marsh Avenue of Honour Management Plan


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.1.5.1 Review and implement a Bacchus Marsh Avenue of Honour Management Plan	Daniel Smith - Manager Operations	In Progress	1/07/2017	30/04/2019	66%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Roads Management	Recurrent				

Action Progress Comments

A project control group has been established to review and update the existing draft of the Bacchus Marsh Avenue of Honour Management Plan, and this is in progress. Council's tree inspection contractor completed the assessment of the trees in the avenue in March 2019, and the updated tree condition data will be used to further inform the plan. At this stage, it is anticipated that a draft will be ready for initial review in the first half of the 19/20 financial year.

Last Updated - 26/06/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.1.8.1 Prepare and revise a rolling cycle of Reserve Master Plans (2017-2021) - Year 2 Progress	Ian Waugh - Mgr Community & Recreation Development	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Recreation Development	Recurrent				

Action Progress Comments

The rolling cycle continued in 2018/19 with the completion of the Greendale Reserve master plan. The master plan was presented to Council in March 2019 for endorsement. Council has allocated funding in the 2019/20 budget to allow the master plan cycle to continue. Master plans for Maddingly Park and Darley Park will be undertaken in the 2019/20 year.

Last Updated - 10/07/2019

STRATEGIC ACTION: 2.1.9 Complete Bald Hill Activation Plan Feasibility Study

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.1.9.1 Complete Bald Hill Activation Plan Feasibility Study	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	60%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				

Action Progress Comments


An updated status report was tabled at S86 Moorabool Growth Management Committee Meeting on 12 September, 2018. A Consultant has been appointed and is currently undertaking background and economic assessments. A draft scoping report has been received and is being reviewed by staff. This will form the final Feasibility Study.

Please note Council successfully received \$30,000 grant from Sports Recreation Victoria, however due to the Sports Recreation Victoria funding requirements the earliest the project can be completed is August 2019.

Last Updated - 08/07/2019

Context: 2.2 (2B) Natural Environment

STRATEGIC ACTION: 2.2.1 Finalise and implement the action plan of the Moorabool Sustainable Environment Strategy


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.2.1.1 Finalise and implement the action plan of the Moorabool Sustainable Environment Strategy (2017-2021) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	75%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Sustainability	Recurrent				

Action Progress Comments

This is a multi year project across the period 2017 to 2021.
 Within 2018/19 the following identified actions have been undertaken:
 -In principle support provided for the integrated water management strategic direction statements.
 -Implementation of annual pest and animal control programs
 - Continued support of Landcare and community based environment groups.
 -Mapping of open space assets.
 Last Updated - 08/07/2019

STRATEGIC ACTION: 2.2.2 Waste Management

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.2.2.1 Complete a trial and undertake a review of the green waste service	Daniel Smith - Manager Operations	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Waste Collection & Disposal	Recurrent				

Action Progress Comments

A report was provided to Council at the August 2018 meeting, where Council resolved to permanently implement the non-compulsory kerbside greenwaste collection service within residential and low density residential zoned (urban) areas of the municipality. This action is now complete.
 Last Updated - 26/09/2018


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.2.2.2 Undertake an audit of closed landfills	Daniel Smith - Manager Operations	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Waste Collection & Disposal	Recurrent				

Action Progress Comments

Audits of closed landfill sites have been completed, and a report has been presented at the Assembly of Council on 26/06/2019.
 Last Updated - 11/07/2019

STRATEGIC ACTION: 2.2.3 Develop an Open Space Integrated Water Management Plan


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.2.3.1 Develop an Open Space Integrated Water Management Plan - Stage One	Corinne Jacobson - Senior Project Engineer	Completed	1/07/2017	31/12/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Project Management	Recurrent						

Action Progress Comments

The Open Space Integrated Water Management Plan is a strategic document that informs the policy, infrastructure and systems required to improve amenity and functionality of the open space areas in Moorabool and manage water resources equitably. The draft plan has been completed.

Last Updated - 17/07/2019

STRATEGIC ACTION: 2.2.4 Develop and implement a policy on allocation use and trading of water for Council water assets


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
2.2.4.1 Develop and implement a policy on allocation, use and trading of water for Council water assets - Stage One	Corinne Jacobson - Senior Project Engineer	Completed	1/07/2017	31/12/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Project Management	Recurrent						

Action Progress Comments

A Draft Water Allocation, Use and Trading policy has been developed, alongside the Open Space Integrated Water Management strategy.

Last Updated - 17/07/2019

Strategic Objective: 3 Stimulating Economic Development**Context: 3.1 (3A) Land Use Planning****STRATEGIC ACTION: 3.1.1 Incorporate strategic documents into the Planning Scheme**


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.1.1.1 Incorporate strategic documents into the Planning Scheme - Ballan Structure Plan (2017-2021) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	80%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				

Action Progress Comments

Ballan Strategic Directions was presented to the March 2019 Ordinary Meeting of Council and was authorised to proceed to Panel. The Panel Hearing took place during the week of 27 May 2019. The Panel report was received on 4 July, 2019. Officers will take the panel report to the next available Ordinary Meeting of Council .

Last Updated - 05/07/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.1.1.2 Incorporate strategic documents into the Planning Scheme - Housing Strategy (2017-2021) - Year 2 Progress	Andrew Goodsell - Mgr, Strategic Planning & Development	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				

Action Progress Comments

Amendment C79 which implements the Bacchus Housing Strategy has approved by the Minister for Planning on 15 November 2018.

Last Updated - 05/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.1.1.3 Incorporate strategic documents into the Planning Scheme - West Moorabool Heritage Study (2017-2021) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	50%	100%	 RED

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				


Action Progress Comments

The Consultants have completed a review of West Moorabool Heritage Study 2a to ensure alignment with the current Planning Scheme. Please note, any proposed changes to the West Moorabool Heritage Study 2a will need to approved by the Authors of the original Study .


Council staff are currently reviewing the list of recommendations and impacts on project timelines including the Planning Scheme Amendment .

Last Updated - 08/07/2019


STRATEGIC ACTION: 3.1.2 Implement the adopted Small Towns and Settlement Strategy

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.1.2.1 Develop a program for services and utilities in small towns (2017-2021)	Satwinder Sandhu - GM Community Development	Deferred	1/07/2017	30/06/2019	1%	100%	 RED
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Growth & Development Governance	Recurrent						
Action Progress Comments							
Based on the Small Town Strategy, a key common infrastructure plan will be developed. Elaine completed for 2017/18. Gordon is scheduled for 2018/19. Last Updated - 04/07/2018							


STRATEGIC ACTION: 3.1.3 Finalise the Bulky Goods investigation

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.1.3.1 Finalise the Bulky Goods investigation	Henry Bezuidenhout - Manager Strategic & Sustainable Development	Completed	1/07/2017	30/06/2019	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Strategic Land Use Planning	Recurrent						
Action Progress Comments							
The Bulky Goods Investigation Study has been updated to reflect the Bacchus Marsh Urban Growth Framework. It is proposed to exhibit this and include in the Planning Scheme via the Planning Scheme Review Amendment. Last Updated - 11/07/2019							

STRATEGIC ACTION: 3.1.4 Develop and finalise the Bacchus Marsh Urban Growth Framework Plan in partnership with the Victorian Planning Authority

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.1.4.1 Develop and finalise the Bacchus Marsh Urban Growth Framework Plan in partnership with the Victorian Planning Authority	Andrew Goodsell - Mgr, Strategic Planning & Development	Completed	1/07/2017	30/09/2018	100%	100%	 GREEN
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Strategic Land Use Planning	Recurrent						
Action Progress Comments							
The Bacchus Marsh Urban Growth Framework (BMUGF) was adopted by Council on 19 September 2018. Amendment C81 which implements the BMUGF was approved by the Minister for Planning on 6 December 2018. Last Updated - 05/07/2019							

STRATEGIC ACTION: 3.1.5 Develop a long term strategy for the Bacchus Marsh Civic Precinct

<i>Action</i>	<i>Action Status</i>	<i>Start Date</i>	<i>End Date</i>	<i>% Comp.</i>	<i>Target</i>	<i>% OnTarget</i>	
3.1.5.1 Develop a long term strategy for the Bacchus Marsh Civic Precinct	Henry Bezuidenhout - Manager Strategic & Sustainable Development	Deferred	1/07/2018	30/06/2019	1%	100%	 RED


<i>Activity</i>	<i>Budget Type</i>	<i>Budget</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Variance</i>
Strategic Land Use Planning	Recurrent				

Action Progress Comments
 A grant application was submitted to the Victorian Planning Authority (VPA) to assist in the implementation of this project. An announcement is expected in August 2019.
 The project will recommence in 2019/2020 financial year, with a revised scope to be developed. Please note it is showing as 1% as could not enter 0%.
 Last Updated - 08/07/2019



Context: 3.2 (3B) Investment & Employment

STRATEGIC ACTION: 3.2.1 Implement the action plan of the Economic Development Strategy

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.2.1.1 Implement the action plan of the Economic Development Strategy (2017-2021) - Year 2 Progress	Henry Bezuidenhout - Manager Strategic & Sustainable Development	In Progress	1/07/2018	30/06/2019	75%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Sustainability	Recurrent				

Action Progress Comments

The implementation of the action plan associated with the Economic Development Strategy will continue throughout the 2018-2021 period as scheduled.

In 2018 the following has occurred.


- Creation of Economic Development Taskforce.
- Moorabool Business Network Forums have been held at Blackwood, Gordon and Bacchus Marsh with over 70 attendees.
- Five editions of Moorabool Shire Business E Newsletter to 3,000+ businesses.

In 2019 the following has occurred.

- Seven editions of Moorabool Shire Business E Newsletter to 3,000+ business.
- Business Breakfast delivered with 100 guests.
- 50 Points of engagement with business implemented.
- More than 200 businesses have attended workshops, training and networking.

Last Updated - 08/07/2019

STRATEGIC ACTION: 3.2.3 Plan for the Bacchus Marsh town centre revitalisation in partnership with the Victorian Planning Authority

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
3.2.3.1 Scope and develop a plan for the Bacchus Marsh Town Centre Revitalisation	Henry Bezuidenhout - Manager Strategic & Sustainable Development	Deferred	1/07/2018	30/06/2019	1%	100%	 RED

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				


Action Progress Comments

A grant application was submitted to the Victorian Planning Authority (VPA) to assist in the implementation of this project. An announcement is expected in August 2019.

The project will recommence in 2019/2020 financial year, with a revised scope to be developed.

Last Updated - 08/07/2019

STRATEGIC ACTION: 3.2.4 Facilitate Parwan Employment Precinct planning and marketing

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.2.4.1 Facilitate the Parwan Employment Precinct planning and marketing (2017-2021) - Year 2 Progress	In Progress	1/07/2018	30/06/2019	60%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Strategic Land Use Planning	Recurrent				


Action Progress Comments

Council was successful in obtaining funding from the Victorian Planning Authority under Streamlining for Growth . This funding will assist with final background studies and further work on a Precinct Structure Plan.

Council Officers are undertaking investigations of stakeholder engagement of existing and potential businesses in the PEP with the aim to facilitate economic investment , expansion of current businesses and to inform future planning studies. A briefing note will be provided on the findings will be provided to Council by August 2019.

Last Updated - 08/07/2019

STRATEGIC ACTION: 3.2.6 Advocate resource and implement the Bacchus Marsh Integrated Transport Strategy (BMITS) action plans

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.2.6.1 Refer Council's BMITS infrastructure actions to the long term capital program (2017-2021) - Year 2 Progress	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Management	Recurrent				

Action Progress Comments

The infrastructure actions from the Bacchus Marsh Integrated Transport Strategy have been included in Council 's Long Term Capital Improvement Program for consideration , along with other priority projects, as part of each annual budget process. Currently working with Regional Roads Victoria on scoping further capacity improvement projects along Gisborne Road and Grant Street. Council is also part of the Steering Committee for the Eastern Link Road planning study that is currently in progress.

Last Updated - 11/07/2019

STRATEGIC ACTION: 3.2.7 Review and implement the action plan from the Destination Management Plan (Tourism) Review

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
3.2.7.1 Review and implement the action plan from the Destination Management Plan (Tourism) Review - Year 2 Progress	In Progress	1/07/2018	30/06/2019	50%	100%	 RED

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Tourism	Recurrent				


Action Progress Comments

The Draft Destination Management Plan was reviewed in July 2018 to assess alignment with current industry trends, Council and State Government policies and strategies and completion of tasks.

Council Officers have completed a review of the Destination Management Plan to ensure alignment with key Council and State Government policies . A report on the findings and recommendations will be provided to Executive in May 2019, ahead of a presentation to Council.

Last Updated - 08/07/2019

STRATEGIC ACTION: 3.2.9 Advocate for improved Ballarat Line rail and integrated public transport outcomes through the Ballarat Line Action Committee (BRAC)


<i>Action</i>	<i>Action Status</i>	<i>Start Date</i>	<i>End Date</i>	<i>% Comp.</i>	<i>Target</i>	<i>% OnTarget</i>	
3.2.9.1 Advocate for improved Ballarat Rail Line and integrated public transport outcomes (2017-2021) - Year 2 Progress	Derek Madden - Chief Executive Officer	Completed	1/07/2018	30/06/2019	100%	100%	
<i>Activity</i>	<i>Budget Type</i>	<i>Budget</i>	<i>YTD Budget</i>	<i>YTD Actual</i>	<i>YTD Variance</i>		
CEO's Office	Recurrent						

Action Progress Comments

Advocacy continues to be made to the State Government on Ballarat Rail Line Action Committee issues. Significant investment approved as part of the state government Budget.
 Last Updated - 12/07/2019



Strategic Objective: 4 Improving Social Outcomes**Context: 4.1 (4A) Health & Wellbeing****STRATEGIC ACTION: 4.1.1 Health & Wellbeing Plan**

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.1.1 Prepare and implement an advocacy and partnership plan to attract investment in government and non-government services in the municipality. (2017-2021) - Year 2 Progress	Sally Jones - GM Community Development	In Progress	1/07/2018	30/06/2019	75%	100%	 YELLOW
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Community Services Governance	Recurrent						

Action Progress Comments

Council endorsed advocacy material at the Ordinary Meeting of Council held on the 6 June 2018. The material forms a key part of the Council's advocacy strategy. The aim of the advocacy efforts is to attract investment in government and non-government services in the municipality. The purpose of the advocacy is to ensure that the Shire's current and future residents have access to a range of community services needed to maximise their health, safety and well-being. The advocacy is being undertaken over the life of the Council Plan 2017-2021.

Discussions are being held with representatives of the Grampians Sports Central in relation to a worker being based at Council to provide club development programs and assist with the implementation of initiatives in the Council's Health & Well-being Plan to increase physical activity.

Group Training Organisations and the Highlands Local Learning and Employment Network have worked with Council staff on the provision of work experience and pre -employment programs for jobseekers in Moorabool.


Discussions are also being held with Jesuit Social Services about the delivery of Men's Behavioural Changes program.

Officers supported the Moorabool Drug Action Group in submitting a successful application to the Australian Drug Foundation for registration as a Local Drug Action Team and \$10,000 in funding to prepare a community action plan.

Council is participating in the development of a Strategic Plan being prepared by Djerriwarrh Health Services. A key part of the strategic planning process will involve the identification of service gaps and proposals on how the gaps can and will be addressed.

This action is being implemented over the life of the council plan.

Last Updated - 25/03/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.1.2 Facilitate and support existing and emerging arts and cultural development groups and activities across the municipality. (2017-2021) - Year 2 Progress	Sally Jones - GM Community Development	In Progress	1/07/2018	30/06/2019	75%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Services Governance	Recurrent				

Action Progress Comments


The Bacchus Marsh Arts Council is utilising workshop space at the Darley Civic & Community Hub. Ongoing support continues to be provided to the Arts Council in building the capacity of its group and examining opportunities for joint projects and funding. Support is being provided to the Arts Council to exhibit art work in the common areas /foyers of the building it is sharing with other groups at the Darley Civic & Community Hub.

In August 2018, the Council allocated \$7,600 to 3 Arts and Cultural projects: 1) 'WinterKnits' Group Ballan; 2) Gordon Community Fair and; 3) Bacchus Marsh & Melton District Community Theatre Incorporated.

The Council's Youth Strategy outlines the development of a new arts program for young people with a focus on improved mental health of young people by using arts as a medium . A project to create a mural and other art work has undertaken with young people at the Bacchus Marsh Skate Facility (Rotary Park) as part of a Victorian Government funded graffiti education project. This action will be completed by the 30 June 2019.

Last Updated - 25/03/2019

STRATEGIC ACTION: 4.1.3 Recreation and Leisure Strategy


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.3.1 Implement the Reserve Management Framework (2017-2021) - Year 2 Progress	Ian Waugh - Mgr Community & Recreation Development	In Progress	1/07/2018	30/06/2019	90%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Recreation Development	Recurrent				

Action Progress Comments

The Council Fees and charges have been issued in accordance with the Recreation Reserve User Fees and Charges Policy and 2019-20 Budget. User agreements have been completed for summer season tenants (Oct - March). Annual Management Agreements (AMAs) have also been put in place and operational funding provided to committees as per the Recreation Reserve Funding Policy.

Last Updated - 10/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
4.1.3.2 Plan and construct stage 1 of the Bacchus Marsh Racecourse Recreation Reserve (2017-2019) - Year 2 Progress	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Project Management	Recurrent				


Action Progress Comments

Stage 1 of the project includes the construction of pony club facilities, a BMX track, sports fields and a pavilion at the Bacchus Marsh Racecourse Recreation Reserve site to be constructed over three years. Works completed to date:

- bulk earthworks
- equestrian cross country
- multipurpose sports oval (soccer, cricket and football)

Remaining works are scheduled for Year 3 (2019/20).

Last Updated - 17/07/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
4.1.3.3 Develop a plan to improve, update and beautify our neighbourhood, passive, recreation and other open spaces (2017-2019) - Year 2 Progress	In Progress	1/07/2018	30/06/2019	60%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Environmental Management	Recurrent				

Action Progress Comments

A report on development of an Open Space Framework was tabled at the S86 Growth Management Meeting on 12 September 2018.


A Community Survey has been completed and closed 7 December 2018. Presentations were made to internal departments, including the Youth Action Group, Aged & Disability Services and Maternal and Child Health Nurses.

Draft open space maps have been developed and are currently being reviewed by relevant Council Departments for their accuracy.

A Preliminary Draft of the Open Space Framework was presented to the S86 Moorabool Growth Management Committee in April 2019. An updated version will be presented to the S86 Moorabool Growth Management Committee in June 2019. The Draft Bacchus Marsh and Ballan Open Space Framework will be placed on public exhibition for comment in July to August 2019. It is anticipated that the final document will be completed for adoption by Council in October 2019.

Last Updated - 08/07/2019

STRATEGIC ACTION: 4.1.5 Age Well Live Well Strategy and Access and Inclusion Plan


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.5.1 Prepare a directions paper to deliver Aged Services in a consumer directed care environment	Claire Conlon - Mgr Active Ageing & Community Access	Completed	1/07/2018	30/06/2019	100%	100%	
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Home & Community Care Services	Recurrent						

Action Progress Comments

The Commonwealth is currently consulting with the aged care sector as to what the funding reforms will look like post 2020. In the interim, a direction's paper was prepared and has informed Council on delivery of aged services.

Last Updated - 11/07/2019

STRATEGIC ACTION: 4.1.6 Youth Strategy

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.6.1 Advocate and support the development of programs and services to increase employment opportunities for young people (2017-2019) - Year 2 Progress	Sharon McArthur - Manager Child, Youth & Family,	Completed	1/07/2018	30/06/2019	100%	100%	
Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance		
Community Services Governance	Recurrent						

Action Progress Comments

Advocacy material has been prepared and forms part of the Council's advocacy strategy. The aim of the project is to increase employment opportunities for young people in Moorabool. The objectives are: increase investment in educational opportunities to improve the educational attainment levels of young people; increase investment in programs and services to support young people experiencing multiple barriers to employment; and develop the capacity and diversity of the Moorabool workforce by developing the skill set of the young people of Moorabool.

The Council allocated funds in its 2018/2019 budget to provide opportunities for jobseekers including young people to be employed through traineeships and structured work experience programs at Council. This builds on Council's existing commitment to engaging apprentices at Council depots. Ballarat Group Training and MEGT group have been appointed to a panel to engage participants on traineeships and apprenticeships in Council.


A Lifeguard Scholarship program has been introduced to assist local young people undertake Lifeguard qualifications and gain employment at Council 's outdoor pools.

Work is being undertaken in conjunction with group training and other providers to boost the opportunities for young people .

Council's youth strategy 2018-2021 outlines actions relating to increasing employment opportunities for young people aged under 25 years. The Youth Services team has been successful in obtaining a grant to support the employment of an additional youth worker to support young people who have or are at risk of disengaging from education or employment.

The advocacy is being undertaken over the life of the Council Plan 2017-2021.

Last Updated - 24/06/2019


Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.6.2 Revise and adopt the Youth Strategy	Sharon McArthur - Manager Child, Youth & Family,	Completed	1/07/2017	30/11/2018	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Youth Services	Recurrent				

Action Progress Comments

The Youth Services team completed the community engagement plan and consultation with the Community between December 2017- February 2018. The draft Strategy was presented to the Ordinary Meeting of Council in August 2018 for the purpose of public consultation of the draft youth strategy document and action plan. Public consultation closed on the 31 August 2018, with the final strategy presented and endorsed by Council at its Ordinary Meeting in October 2018.

Last Updated - 17/01/2019

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
4.1.7.1 Revise and adopt the Library Strategic Plan inclusive of undertaking a feasibility study to inform the future provision of library services in Ballan	Ian Waugh - Mgr Community & Recreation Development	In Progress	1/07/2017	30/06/2019	90%	100%	 GREEN


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Library Services Management	Recurrent				

Action Progress Comments

A draft strategy and action plan has been prepared. The draft Library Strategy and Feasibility Study are related to the preparation of a master plan for the Ballan Offices. The draft Library Strategy and Ballan Offices draft masterplan has been presented to an Assembly of Council with a further report to the July 2019 OMC.

Last Updated - 29/05/2019

Context: 4.2 (4B) Community Connectedness and Capacity**STRATEGIC ACTION: 4.2.1 Community Development and Volunteer Strategies**

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
4.2.1.1 Develop and deliver a community group capacity building and sustainability program	In Progress	1/07/2018	30/06/2019	35%	100%	 RED


Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Development	Recurrent				

Action Progress Comments

Council has allocated funding to undertake the Community Capacity Building Project in the 2019/20 financial year. Project scoping has commenced. The focus will be on improving the capacity of Councils section 86 Committee's through the development of a Committee Resource Manual. Following completion of the manual and report to Council, a series of information workshops will be held with Committees.

Last Updated - 10/07/2019

STRATEGIC ACTION: 4.2.2 Emergency Management Plan

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget
4.2.2.1 Deliver community emergency management education program (2017-2021) - Year 2 Progress	Completed	1/07/2018	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Municipal Emergency Management	Recurrent				

Action Progress Comments

The Blackwood Community Emergency Planning Group held a Scenario Planning Community Session on 16 November 2017 based on a fire scenario and invited representatives from Scotsburn to give them an update on their preparation, response and recovery since the 2015 fires. The Scotsburn Community Recovery Committee and Leadership Program progressed with the 2nd Anniversary Event held on the 15 December 2017 and the Leadership Program focussed on the fire game project. The Fire Mitigation inspection process is well underway and second round of inspections will commence in the new year. The Scotsburn Recovery Book was launched at the Scotsburn Hall on 30 May 2018 and the Scotsburn Fire Game was launched at the Scotsburn Primary School on 15 June 2018. The Research Project into the high emotions during an emergency event was held at the Scotsburn Hall in November 2018. The Official Opening of the Clarendon Community Centre was held on 16 March 2019. Planning for the screening of "Forged from the Fire" is underway for 5 April 2019 with support from local Landcare Groups and with the VCC Emergency Ministries providing psychosocial support. Safer Together Stage 2 engagement is occurring through the State Government engagement platform for all communities in the Grampians Region. Lal Lal is one of the successful communities that the CFA Safer Together Officer will be working with during 2019 with agency and council involvement as required. Working with DELWP to provide community education and liaison for planned burning during the autumn. Focus on social media campaign on home safety, insurance campaigns and house fire incidents. Ongoing Safer Together engagement with the Grampians Region for Strategic Bushfire Management Planning with the Stage 3 Engagement Program commencing.

Last Updated - 24/06/2019

Strategic Objective: 5 KRA 1. Representation and Leadership of our Community (2013-17)

Context: 5.1 Good governance through open and transparent processes and strong accountability to the community.

STRATEGIC ACTION: 5.1.1 Ensure policies and good governance are in accordance with legislative requirements and best practice.

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
5.1.1.42 Review & implement the after hours response system as approved by Council.	Robert Fillisch - Manager Statutory Planning & Community Safety	In Progress	1/07/2016	30/06/2019	75%	100%	 YELLOW

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Community Safety	Recurrent				

Action Progress Comments

Possible provider has presented to relevant staff. Staff will now investigate our current requirements and costs. A report will be presented to Council's executive team in July.

Last Updated - 27/06/2019

Strategic Objective: 7 KRA 3. Enhanced Infrastructure and Natural Built Environment (2013-17)

Context: 7.2 Enhance and protect the long term integrity and biodiversity of the natural environment.

STRATEGIC ACTION: 7.2.4 Implement the Domestic Wastewater Management Plan in accordance with new ministerial guidelines.

Action	Action Status	Start Date	End Date	% Comp.	Target	% OnTarget	
7.2.4.1 Investigate frameworks for cost recovery in terms of ongoing monitoring of Domestic Wastewater Management Plan	Robert Fillisch - Manager Statutory Planning & Community Safety	Completed	1/07/2015	30/06/2019	100%	100%	 GREEN

Activity	Budget Type	Budget	YTD Budget	YTD Actual	YTD Variance
Environmental Health Investigation, Inspection & Education	Recurrent				

Action Progress Comments

A report on the costings has been presented to the executive. The costing model has been determine, however is dependent on the outcome of the Domestic Waste Water Review which will be presented to Council at a briefing session on 21 August 2019. A decision can then be made on whether to implement cost recovery for the monitoring of the Domestic Wastewater Plan.

Last Updated - 27/06/2019

11.4 ASSETS AND COMMUNITY INFRASTRUCTURE

11.4.1 Petition; Request for the Installation of a Bus Shelter (Fisken Street, Ballan)

Introduction

Author: John Miller
Acting General Manager: Ewen Nevett

Background

At the Ordinary Meeting of Council on Wednesday 3 April 2019, Council considered a petition containing 284 signatures, requesting the construction of a bus shelter in Fisken Street, Ballan where the following was resolved:

Crs. Sullivan/Toohey

- 1. That the petition containing 284 signatures in relation to the construction of a bus shelter in Fisken Street, Ballan be received by Council.***
- 2. That a report be prepared by officers for Council's consideration pertaining to the construction of a bus shelter in Fisken Street, Ballan.***

CARRIED.

The existing stop on the east side of Fisken Street, between Inglis and Steiglitz Streets, is currently utilised to pick up and drop off up to 30 children, by a number of school buses. The west side of Fisken Street is also utilised as a drop off point, although there is no formal arrangement in place (e.g. a bus parking zone). These locations are indicated below.



Proposal

Given the prominent location and number of children utilising particularly the stop on the east side of Fisken Street, it is recommended as part of this report that a shelter be installed, however there are a number of items that are required to be resolved to achieve the best outcome.

The nature strip on the east side of Fisken Street has a large street tree within it and is narrow, therefore the standard shelter design may be unsuitable for installation at this specific location.

It is officer's view that an assessment of the existing parking arrangements along this section of road should also be undertaken in conjunction with the shelter considerations and that consultation with surrounding property owners would also be appropriate.

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

It is recommended within this report that Council pursue opportunities for external funding of the shelter and if this is not able to be ascertained, that the shelter be installed within existing budgets.

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Consult	Adjacent property owners	Contact with stakeholders to discuss proposal	N/A	August 2019	Resolve location and design of shelter installation

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.

Acting General Manager – Ewen Nevett

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

A petition requesting the installation of a bus shelter in Fisken Street, Ballan, has been received by Council.

Given the prominent location and number of children utilising particularly the stop on the east side of Fisken Street, it is recommended that a shelter be installed, with the resolution of the location and design.

Recommendation:

That Council:

- 1. Approve the installation of a bus shelter in Fisken Street, Ballan at a location to be determined by officers following an assessment of the most appropriate location and design, including consideration of the existing nature strip layout, parking arrangements and suitable community engagement.**
- 2. Request officers seek external funding to assist in delivering the project in the first instance.**

Report Authorisation

Authorised by:

Name: Ewen Nevett
Title: Acting General Manager Community Assets & Infrastructure
Date: Tuesday 02 July 2019



11.4.2 Capital Improvement Program Quarterly Report – June 2019

Introduction

Author: Tristan May
Acting General Manager: Ewen Nevett

Background

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

Proposal

This quarterly report provides Council with an overview of the progress of Council's 2018/2019 Capital Improvement Program to 30 June 2019.

Implementation of the 2018/2019 Capital Improvement Program

The 2018/2019 Capital Improvement Program currently consists of 46 projects, of which there are 3 that are 'on hold' and are outside Council's control. Therefore, the table below reports on the 43 active projects in terms of percentage.

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

- Projects carried forward from 2017/2018 program
- 2018/2019 Council budgeted projects
- Grant funded projects

Also, for simplicity sake the reseal, final seal, gravel road resheet and shoulder resheet programs have been listed as 4 projects in total rather than listing each individual road under each respective program.

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 30 June 2019:

CIP Program Delivery Stage	Actual as of 30 June 2019	
	No. of Projects	%
'On hold' Projects	3	
Not Commenced	0	0.0
Documentation/Design Preparation	1	2.3
Tender/Quote Stage	1	2.3
Project Awarded – Waiting Commencement	0	0.0
In Progress/Under Construction	6	14.0
Complete	35	85.3
TOTAL	43 (41)*	100.00

*Note: Two projects (Bacchus Marsh Racecourse Recreation Reserve & Griffith Street – Roundabout) are considered ‘Multi Year’ projects and have been excluded from the end of year performance calculations.

The attached report (**Attachment 11.4.2**) details the proposed timeframe and progress of each individual project. In addition, the report also provides specific comments in relation to each project and its status.

Program Status and Financial Year Performance

Of the 46 projects, there are 3 projects that are deemed to be ‘On Hold’ due to funding issues or other factors that are outside council officer’s control. These projects have not been included in the overall end of year performance calculations with an overview of these projects and a comment on the status included in the attached report.

Of the 43 projects that could be completed, there are 8 projects that will be carried forward into the 2019/20 CIP. Of the 8 projects that will be carried forward, 2 are considered ‘multi-year projects and have also been excluded from the end of year performance calculations.

The table below outlines each of these projects and their current status;

Project Name	Project Status
Clarkes Road, Glen Park – Road Rehabilitation	This project has been carried out by Council's operations unit. Construction commenced in March 2019 with the pavement ready for sealing in May 2019. Due to the above average May rainfall and nature of the site, sufficient dry back of the pavement has not been achieved to allow sealing works to be completed. The road will be held as a crushed rock pavement over the winter months and will be prepared and sealed in September/October 2019 when there are warmer conditions.
Main Street, Gordon – Streetscape Project	This project is being carried out by Butler Excavation Pty Ltd. Construction commenced in May 2019 and expected to be completed in August 2019. The project has not progressed as quickly as predicted due to unfavourable weather, unexpected subgrade material and scope increase from other agencies facilitating work through this contract.
Maddingley Park – Tennis Court Reconstruction	This project is being carried out by Turf One Pty Ltd. Construction commenced in May 2019 and expected to be completed in August 2019.
Council Buildings – Energy efficiency upgrades	This project is currently in the design and documentation phase. It is intended to go out to tender in July 2019 with installation works in late 2019.
Haddon Drive, Ballan – Road Rehabilitation	This project was recently tendered and is currently in the evaluation phase. The project had been on-hold pending the funding outcome from Regional Development Victoria. Works are now expected to commence in September 2019.
Darley Park, Darley	This project has been awarded to DeAraugo & Lea Electrical Contractors Pty Ltd at Council's May OMC. This project had been delayed due to funding issues which have now been resolved and the project is expected to be complete by end of September 2019.

Griffith St, Maddingley – Roundabout Construction (Multi-Year Project)	This project was awarded to Rustel Pty Ltd at Council's April OMC. This project was set to be delivered in 2019/20 although Council brought the project forward to expedite all the construction activity within the West Maddingley area. The project commenced onsite in May 2019 and is expected to be finalised in August 2019.
Bacchus Marsh Racecourse Recreation Reserve – Active Sports Precinct Design & BMX Track (Multi-Year Project)	The design consultancy services was awarded to Group GSA Pty Ltd. Bulk earthworks commenced on site in March 2018 and completed in July 2018. The Sports Oval contract was awarded to Hume Turf and Machinery. Construction on the oval commenced in January 2019 and is scheduled for completion in July 2019. The Cross Country Course commenced in January 2019 and was completed in February 2019. Works on the BMX Track are continuing and anticipated for completion in July 2019. The Civil Works & Services tender was awarded to Avard Civil Pty Ltd and is anticipated to commence in July 2019 and completed in December 2019.

Taking these into account, 35 of a possible 41 projects were completed resulting in 85.3% of the program being completed in the financial year.

'On Hold' Projects

Of the 3 projects that are currently 'On-Hold', the following table provides an update to these projects;

Project Description	Project Status
Werribee Vale Rd, Maddingley	This project has been on-hold due to funding discussions with Council and the State Government's Department of Jobs, Precincts and Regions. This funding is now secured, which along with additional Council funds in the 2019/20 Capital Improvement Program will enable the project to commence in August / September 2019.
Lidgett St, Bacchus Marsh – Playground renewal and Masterplan development.	This project has been placed on hold due to further engagement to be undertaken with the community on the reserve masterplan. The 2019/20 CIP provides additional funding to supplement the 2018/19 allocation to enable further investment in reserve infrastructure to better serve the communities requirements.
Fisken St, Bacchus Marsh – Main Street Intersection Design Development	This project has been on-hold due to issues with the nominated consultant. Council are currently working through procedures to determine the agreements outputs to finalise the design project.

Program Financial Status

A review of the financial aspect of the program has been completed through comparison of expenditure against the available budget. The final expenditure has been confirmed and the program has come in over budget by a total of \$92,279 representing a 0.58% over spend.

The predominate contributor to the budget over spend was the Maddingley Park – Tennis Court Reconstruction project which was awarded at Council's April Ordinary Meeting of Council over budget by \$144,176.

Council officers have been constantly looking at ways to minimise expenditure over the program, post awarding this contract, whilst balancing all other projects and ensuring they achieve the desired objectives.

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

The 2018/19 Capital Improvement has come in over budget by a total of \$92,279 representing a 0.58% over spend.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

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

- | | |
|--|-------------|
| • Infrastructure update on active projects | Weekly |
| • Update on major projects | Monthly |
| • Moorabool Matters | Quarterly |
| • Moorabool News | As required |
| • Report to Council | Quarterly |

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

Victorian Charter of Human Rights 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.

Acting General Manager – Ewen Nevett

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

Author – Tristan May

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

Conclusion

This report provides a summary of the progress of the Capital Improvement Program for the final quarter of the 2018/2019 period for the information of Councillors.

Recommendation:

That Council receive the Capital Improvement Program quarterly report to 30 June 2019.

Report Authorisation

Authorised by:



Name: Ewen Nevett
Title: Acting General Manager Community Assets & Infrastructure
Date: Thursday 25 June 2019

Attachment Item - 11.4.2

SEALED ROADS PROGRAM

Ballan Meredith Road, Morrisons – Pavement Widening

Ch 4.83 - 5.07km
North of Grants Ln

Task	Start Date	End Date	% Complete	Budget	Budget Status
Shoulder Sealing – Construction	01/10/2018	12/10/2018	100	\$75,000	

Project was carried out by the Operations Department and completed in October 2018.

Clarkes Road, Glen Park– Road Rehabilitation

Ch 1.26 – 2.6km
From Mannings Rd to Madderns Rd

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation and Widening	04/03/2019	27/09/2019	95	\$500,000	

This project has been carried out by Council's operations unit. Construction commenced in March 2019 with the pavement ready for sealing in May 2019. Due to the above average May rainfall and nature of the site, sufficient dry back of the pavement has not been achieved to allow sealing works to be completed. The road will be held as a crushed rock pavement over the winter months and will be prepared and sealed in September/October 2019 when there are warmer conditions.

Franklin Street, Maddingley - Road Rehabilitation

Ch 0.05 – 0.22km
From Griffith St to Labilliere St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation	05/11/2018	14/02/2019	100	\$400,000	

Project was awarded to Bitu-Mill (Civil) Pty Ltd and completed in February 2019.

Woolpack Road, Maddingley - Stage 2– Road Rehabilitation

Ch 0.62 – 1.98km
From Werribee River to Geelong Bacchus Marsh Rd

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation	04/03/2019	28/06/2019	95	\$1,390,000	

The road rehabilitation works have been carried out by Patten Pavement Services Pty Ltd. The road rehabilitation included challenges such as unfavourable weather and being constructed under high traffic volumes and heavy vehicles. Council officers are working with the contractor to facilitate an acceptable road surface. Further to the road rehabilitation works, there are associated bridge maintenance items which will be undertaken in the coming months. There are three bridges along Woolpack Rd which will have a combination of bridge barrier upgrades, substructure improvements and associated maintenance works. The timing of these works is proposed to coincide with upcoming Railway Line shut down periods.

Old Melbourne Road, Millbrook - Road Rehabilitation

Ch 17.285 – 18.361km
From Ryans Rd to Railway Line

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation	22/10/2018	21/12/2018	100	\$380,000	

Project was awarded to Bitu-Mill (Civil) Pty Ltd and completed in December 2018.

Ormond Road, Wallace – Road Rehabilitation

Ch 3.97 – 5.72km
North of Old Western Hwy

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation & Widening	28/01/2019	08/03/2019	100	\$809,358	

Project was awarded to Bitu-Mill (Civil) Pty Ltd and completed in March 2019.

Myrning Korobeit Road, Myrning – Road Rehabilitation

Ch 0.00 – 0.29km
North of Old Western Fwy

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation and Widening	16/10/2018	14/12/2018	100	\$164,000	

Project was carried out by the Operations Department and completed in December 2018.

Wittick Street, Darley - Road RehabilitationCh 0.49 – 1.37km
From Halletts Way to Nicholson St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation	07/01/2019	22/02/2019	100	\$642,000	

Project was awarded to Bitu-Mill (Civil) Pty Ltd and completed in February 2019.

Ormond Rd / Barkstead Rd, Mollonghip – Road RehabilitationCh 8.20 – 8.98km
From Barkstead Rd to

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation and widening	02/07/2018	23/11/2018	100	\$350,000	

Project was awarded to Bitu-Mill (Civil) Pty Ltd and completed in November 2018.

Ballan Greendale Road, Ballan – PreplanningCh 0.91 – 1.27km
From Myrtle Grove Rd to Bridge over Western Fwy

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation – Preplanning Allocation	30/07/2018	28/06/2019	100	\$20,000	

Project was awarded to TAC Design Pty Ltd and completed in June 2019.

Blackwood Street, Ballan – PreplanningCh 0.07 – 0.91km
From Mill Park St to Myrtle Grove Rd

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation – Preplanning Allocation	30/07/2018	28/06/2019	100	\$20,000	

Project was awarded to TAC Design Pty Ltd and completed in June 2019.

Franklin Street, Maddingley – PreplanningCh 0.29 – 0.48km
From Labilliere St to Meikle St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation – Preplanning Allocation	30/07/2018	28/06/2019	100	\$25,000	

Project was awarded to CRE Consulting Engineers Pty Ltd and completed in June 2019.

Old Melbourne Road, Dunnstown – PreplanningCh 28.35– 30.36km
From Forbes Rd to Dunnstown Rec Reserve Entrance

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation – Preplanning Allocation	30/07/2018	28/06/2019	100	\$35,000	

Project was awarded to TAC Design Pty Ltd and completed in June 2019.

Werribee Vale Road, Maddingley – PreplanningCh 0.00 – 0.70km
From Meikle St to Halletts Way

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation – Preplanning Allocation	30/07/2018	28/06/2019	100	\$40,000	

Project was awarded to CRE Consulting Engineers Pty Ltd and completed in June 2019.


Bacchus Marsh Balliang Road, Maddingley – Road RehabilitationCh 28.323 – 30.810km
McCormacks Rd to Rowsley Station Rd

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation and Widening	08/04/2019	28/06/2019	100	\$921,053	

Project was awarded to Bitu-Mill (Civil) Pty Ltd and completed in June 2019.


Griffith Street, Maddingley – Roundabout Construction

Intersection of Griffith St & McCormacks Rd

Task	Start Date	End Date	% Complete	Budget	Budget Status
Roundabout Construction	15/05/2019	30/08/2019	50	\$2,000,000	

Project was awarded to Rustel Pty Ltd. Works commenced on site in May 2019 and are scheduled for completion in August 2019.

Haddon Drive, Ballan – Road ConstructionCh 0.0 – 1.7km
South of Gillespies Lane


Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Construction	03/09/2019	26/11/2019	0	\$662,142	

This project has recently gone out to tender and is currently in the evaluation phase. The project had been on-hold pending funding advice from Regional Development Victoria. Works are expected to commence in September 2019.

RESEAL PROGRAM

Reseal Contract


Various Locations

Task	Start Date	End Date	% Complete	Budget	Budget Status
Reseal works on various roads	15/10/2018	03/11/2018	100	\$500,670	

Project was awarded to VSA Group Pty Ltd and completed in November 2018.

Final Seals

Various Locations


Task	Start Date	End Date	% Complete	Budget	Budget Status
Final Sealing of various roads	15/10/2018	03/11/2018	100	\$295,526	

Project was awarded to VSA Group Pty Ltd and completed in November 2018.

SHOULDER RESHEETING PROGRAM

Shoulder Resheeting Program

Various Locations

Task	Start Date	End Date	% Complete	Budget	Budget Status
Resheeting of road shoulders throughout the Shire	18/03/2019	30/06/2019	100	\$428,400	

The program consists of 4 roads covering 7.14km of the sealed road network.

- Bacchus Marsh Balliang Road, Rowsley Complete
- Bacchus Marsh Balliang Road, Maddingley Complete
- Glenmore Road, Rowsley Complete
- Glenmore Road, Maddingley Complete


Bacchus Marsh Balliang Road was facilitated through contract C34-2018/19 approved at the March OMC. This work was undertaken by Bitu-Mill (Civil) Pty Ltd and complete in June 2019.

Glenmore Road was carried out by the Operations Department with completed in May 2019.

UNSEALED ROADS PROGRAM

Gravel Road Resheeting Program

Various Locations

Task	Start Date	End Date	% Complete	Budget	Budget Status
Resheeting of gravel roads through the Shire	10/10/2018	09/05/2019	100	\$1,050,628	


Project was carried out by the Operations Department and completed in May 2019. The program consisted of 5 roads covering 9.536km of the unsealed road network.

- Coalmine Road, Lal Lal Complete
- Ironbark Road, Ingliston Complete
- Ingliston Road, Ingliston Complete
- Edols street, Ballan Complete
- Haywood Road, Ballan Complete

BRIDGES AND CULVERTS PROGRAM

Dog Trap Gully Road, Rowsley – Superstructure Replacement


North of Glenmore Road

Task	Start Date	End Date	% Complete	Budget	Budget Status
Replacement of superstructure	05/11/2018	21/12/2018	100	\$291,270	

Project was awarded to Axis Infrastructure Pty Ltd and completed in December 2018.

Mount Doran Road, Elaine – Preplanning

West Moorabool


Task	Start Date	End Date	% Complete	Budget	Budget Status
Bridge Renewal - Preplanning Allocation	19/11/2018	10/05/2019	100	\$35,000	

Project was awarded to Beveridge Williams Pty Ltd and completed in May 2019.

PATHWAYS PROGRAM

DDA Upgrade Program


Various locations

Task	Start Date	End Date	% Complete	Budget	Budget Status
Upgrade pedestrian crossings and footpaths to ensure DDA compliance	04/03/2019	26/06/2019	100	\$20,000	

This allocation of \$20,000 was allocated to the Main Street, Gordon project as per the resolution of Council at the Special Meeting of Council. The funding assisted in pedestrian accessibility and connectivity within the CBD of Gordon.

Inglis Street, Ballan – Streetscape Improvements


Southern side
Cowie St to Fiskin St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Streetscape Improvements	14/01/2019	28/06/2019	100	\$600,000	

Project was awarded to Evergreen Civil Pty Ltd and completed in June 2019.

Old Melbourne, Gordon – Footpath Renewal

From Gordon Recreation Reserve
to Cemetery Lane


Task	Start Date	End Date	% Complete	Budget	Budget Status
Rehabilitation of a gravel footpath.	15/04/2019	14/06/2019	100	\$38,000	

Project was awarded BJE Construction Pty Ltd and completed in June 2019.

KERB AND CHANNEL PROGRAM

Duncan Street, Ballan – Kerb and Channel Replacement


From Steiglitz St to Edols St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Kerb and Channel replacement including formalisation of school crossing and angle parking	02/07/2018	09/11/2018	100	\$150,263	

Project was carried out by the Operations Department and completed in November 2018.

Main Street, Gordon – Kerb and Channel Replacement


Russel St Intersection

Task	Start Date	End Date	% Complete	Budget	Budget Status
Kerb and Channel replacement including drainage improvements and pavement rehabilitation works.	04/05/2019	09/08/2019	75	\$350,000	

This project is being carried out by Butler Excavation Pty Ltd. Construction commenced in May 2019 and are expected to be completed in August 2019. The project has not progressed as quickly as predicted due to unfavourable weather, unexpected subgrade material and scope increase from other agencies facilitating work through this contract. Expected over expenditure of 45% is due to delays with weather, encountering rock in subgrade and additional water main replacement costs.

Sydney Street, Bacchus Marsh – Kerb and Channel Replacement


From Stanfield St to Graham St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Partial replacement of substandard kerb and channel segments.	07/02/2019	28/02/2019	100	\$71,644	

Project was carried out by the Operations Department and completed in February 2019.

Duncan Street, Ballan – Preplanning


From Inglis St to Steiglitz St

Task	Start Date	End Date	% Complete	Budget	Budget Status
Kerb and Channel replacement – Preplanning Allocation	06/08/2018	17/06/2019	100	\$20,000	

Project was awarded to Driscoll Engineering Services Pty Ltd and completed in June 2019.

Grey Street, Darley – Preplanning

From Gisborne Rd to Halletts Way


Task	Start Date	End Date	% Complete	Budget	Budget Status
Kerb and Channel replacement – Preplanning Allocation	21/01/2019	24/05/2019	100	\$15,000	

Project has been awarded to Cardno Pty Ltd and completed in June 2019.

BUS STOP PROGRAM

Bus Stop Upgrade Program

Various Locations

Task	Start Date	End Date	% Complete	Budget	Budget Status
Upgrade of high priority bus stop locations throughout Bacchus Marsh	25/03/2019	26/04/2018	100	\$110,000	

Council has recently been successful securing further funding to continue the upgrade of further bus shelters throughout Bacchus Marsh at high priority sites. The construction of both the concrete bus pads and shelter installations were completed in April 2019.

Bacchus Marsh Racecourse Recreation Reserve, Active Sports Precinct

Task	Start Date	End Date	% Complete	Budget	Budget Status
BMRRR – Provision of Active sporting facilities	12/03/2018	30/06/2020	50	\$5,750,000	

The design consultancy services has been awarded to Group GSA Pty Ltd. Bulk earthworks commenced on site in March 2018 and were completed in July 2018. The Sports Oval contract was awarded to Hume Turf and Machinery. Construction on the oval commenced in January and is scheduled for completion in July 2019. The Cross Country Course commenced in January 2019 and was completed in February 2019. Works on the BMX Track are continuing and is anticipated for completion in July 2019. The Civil Works & Services tender was awarded to Avard Civil Pty Ltd and is anticipated to commence in July 2019 and completed in December 2019.

Maddingley Park, Tennis Club

Maddingley Park

Task	Start Date	End Date	% Complete	Budget	Budget Status
Court surfacing and lighting	15/04/2019	28/08/2019	75	\$405,000	

Project has been awarded to Turf One Pty Ltd. Construction commenced in May 2019 and is expected to be completed in August 2019. Expected over expenditure of 36% is due to the contract being awarded over and above the initial budget.

Dunnstown Recreation Reserve, Dunnstown

Dunnstown Recreation Reserve

Task	Start Date	End Date	% Complete	Budget	Budget Status
Netball/tennis court resurfacing	28/01/2019	15/02/2019	100	\$25,000	

Project was awarded to Matchpoint Systems Pty Ltd and completed in February 2019.

Darley Park, Oval Lighting

Darley Park

Task	Start Date	End Date	% Complete	Budget	Budget Status
Lighting upgrade to main oval	18/06/2019	30/09/2019	10	\$405,000	

This project has been awarded to DeAraugo & Lea Electrical Contractors Pty Ltd at Council's May OMC. This project had been delayed due to funding issues which have now been resolved and the project is expected to be complete as of September 2019.

Darley Hub, Coaches Boxes and Scoreboard

Darley Hub Oval


Task	Start Date	End Date	% Complete	Budget	Budget Status
Installation of coach's boxes and scoreboard	11/02/2019	24/04/2019	100	\$30,000	

This project included the installation of a new scoreboard and two coaches boxes at the Darley Hub Oval. The scoreboard was constructed by Andrew Gillespie Earthmoving Pty Ltd and completed at the end of March and the coach's boxes were installed by Abel Sports Pty Ltd in April 2019.

COMMUNITY BUILDINGS PROGRAM

Ballan Swimming Pool, Fence Upgrade Works

Ballan Swimming Pool


Task	Start Date	End Date	% Complete	Budget	Budget Status
New perimeter fence	22/10/2018	09/11/2018	100	\$46,500	

Project was awarded to Fence Works Pty Ltd and completed in November 2018.

CORPORATE BUILDINGS PROGRAM

Council Offices


Various Locations

Task	Start Date	End Date	% Complete	Budget	Budget Status
Solar panels and lighting upgrade to LED	13/05/2019	30/11/2019	0	\$250,000	

This project is currently in the design and documentation phase. The intention is to go out to tender in July 2019 with installation works in late 2019.


NON COUNCIL LAND/BUILDINGS PROGRAM

Ballan Recreation Reserve, Netball/Tennis Court Reconstruction

Task	Start Date	End Date	% Complete	Budget	Budget Status
Reconstruction of Netball/Tennis courts and drainage improvements	18/02/2019	31/10/2019	95	\$380,000	

This project is being constructed by Elite Roads Pty Ltd. All construction works have been completed with the acrylic surfacing the final outstanding item. The acrylic surfacing requires higher temperatures to be installed which will be undertaken in September / October 2019. The construction works were finalised in preparation for the Netball season. Over expenditure of 22.9% is due to encountering significant unsuitable subgrade conditions which required replacement.

Clarendon Recreation Reserve, Community Hub


Task	Start Date	End Date	% Complete	Budget	Budget Status
Construction of a new Community Hub	12/03/2018	16/03/2019	100	\$180,896	

The Clarendon Recreation Reserve Committee of Management in conjunction with council officers have collaboratively delivered the construction of the new Community Hub. The official opening of the Community Hub was on Saturday 16th March 2019 with all stakeholders attending.

PROJECTS TO BE DELIVERED BY OTHERS

Maddingley Park, Sport Lighting


Junior Oval and Main Oval at Maddingley Park

Task	Start Date	End Date	% Complete	Budget	Budget Status
Lighting upgrade to main oval and new lighting to junior oval	17/09/2018	19/04/2019	100	\$295,909	

This project was delivered by specific user groups of Maddingley Park in association with Council Staff. The new lights were officially opened by Mr Steve McGhie MP at the Bacchus Marsh Football Netball Club's first home game on 4 May 2019.

Ballan Recreation Reserve, Playground Renewal

Ballan Recreation Reserve


Task	Start Date	End Date	% Complete	Budget	Budget Status
Playground renewal	10/12/2018	21/12/2018	100	\$17,820	

This project was delivered by the Ballan Recreation Reserve Committee of Management in association with the Ballan Recreation Reserve Playground Committee. Installation works commenced in mid-December and were completed prior to the end of 2018.

PROJECTS ON HOLD

Werribee Vale Road, Maddingley - Road Rehabilitation


Ch 1.57 – 3.26km
West of Halletts Way

Task	Start Date	End Date	% Complete	Budget	Budget Status
Road Rehabilitation	02/09/2019	29/11/2019	0	\$162,500	

Council was advised in June 2019 state government funding has been approved. The 2018/19 CIP allocation of \$162,500 will be carried forward to 2019/20 with additional council funding to complete the project. Construction works are set to commence in September 2019.

Lidgett Street Recreation Reserve, Bacchus Marsh


Lidgett Street Recreation Reserve

Task	Start Date	End Date	% Complete	Budget	Budget Status
Play equipment renewal – includes master plan development	11/03/2019	30/06/2020	25	\$105,000	

This project has been placed on hold due to further engagement required to be undertaken with the community on the reserve masterplan. The 2019/20 CIP provides additional funding to supplement the 2018/19 allocation to enable further investment in reserve infrastructure to better serve the communities requirements.

Fisken Street, Bacchus Marsh – Preplanning

Intersection of Main St, Bacchus Marsh

Task	Start Date	End Date	% Complete	Budget	Budget Status
Intersection Rehabilitation	26/03/2018	20/12/2019	50	\$50,000	

This project has been on-hold due to issues with the nominated consultant. Council are currently working through procedures to determine the agreements outputs to finalise the design project

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

A record of Assemblies of Councillors is provided below for consideration:

- Assembly of Councillors – Wednesday 8 May 2019 – Draft 2019/2020 Budget
- Assembly of Councillors – Wednesday 8 May 2019 – Municipal Revaluation Update
- Assembly of Councillors – Wednesday 5 June 2019 – Presentation by the Wind Farm Commissioner
- Assembly of Councillors – Wednesday 19 June 2019 – Community Infrastructure Framework
- Assembly of Councillors – Wednesday 19 June 2019 – Review of Draft OMC Agenda
- Assembly of Councillors – Wednesday 19 June 2019 – Community Grants

Recommendation:

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

- **Assembly of Councillors – Wednesday 8 May 2019 – Draft 2019/2020 Budget**
- **Assembly of Councillors – Wednesday 8 May 2019 – Municipal Revaluation Update**
- **Assembly of Councillors – Wednesday 5 June 2019 – Presentation by the Wind Farm Commissioner**
- **Assembly of Councillors – Wednesday 19 June 2019 – Community Infrastructure Framework**
- **Assembly of Councillors – Wednesday 19 June 2019 – Review of Draft OMC Agenda**
- **Assembly of Councillors – Wednesday 19 June 2019 – Community Grants**

Attachment Item - 12.1a

Assembly of Councillors

Date:	Wednesday 8 May, 2019
Venue:	North Wing Meeting Room 1, Darley Civic & Community Hub, Darley
Councillors:	Cr. Tatchell (Mayor) Cr. Bingham Cr. Dudzik Cr. Edwards Cr. Keogh Cr. Sullivan Cr. Toohey
Officers:	Derek Madden; Phil Jeffrey; Satwinder Sandhu; Danny Colgan
Apologies:	Cr. Bingham, Cr Sullivan, Cr Toohey

1. **Assembly opened at:** 440

2. **Disclosure of Conflict of Interests -**

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. **Item Notes:**

Draft 2019/2020 Budget

Assembly closed at: 500

Signed:



Derek Madden
Chief Executive Officer

Date: 08.05.19

Attachment Item - 12.1b

Assembly of Councillors

Date:	Wednesday 8 May, 2019
Venue:	North Wing Meeting Room 1, Darley Civic & Community Hub, Darley
Councillors:	Cr. Tatchell (Mayor) Cr. Bingham Cr. Dudzik Cr. Edwards Cr. Keogh Cr. Sullivan Cr. Toohey
Officers:	Derek Madden; Phil Jeffrey; Satwinder Sandhu; Danny Colgan
Apologies:	Cr Bingham, Cr Sullivan, Cr Toohey

1. **Assembly opened at: 5:00**

2. **Disclosure of Conflict of Interests -**

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. **Item Notes:**

Municipal Revaluation Update

Assembly closed at:

Signed:



Derek Madden
Chief Executive Officer

Date: 08.05.19

Attachment Item - 12.1c

Assembly of Councillors

Date:	Wednesday 5 June, 2019
Venue:	Council Chambers, Ballan
Councillors:	Cr. Tatchell (Mayor) Cr. Bingham Cr. Dudzik Cr. Edwards Cr. Keogh Cr. Sullivan Cr. Toohey
Officers:	Derek Madden; Phil Jeffrey; Satwinder Sandhu; Sally Jones
Apologies:	Cr Bingham, Cr Edwards

1. **Assembly opened at:** 3:05

2. **Disclosure of Conflict of Interests -**

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. **Item Notes:**

Presentation by the Wind Farm Commissioner

Assembly closed at:

Signed:



Derek Madden
Chief Executive Officer

Date: 05.06.19

Attachment Item - 12.1d

Assembly of Councillors

Date: Wednesday 19 June, 2019

Venue: North Wing Meeting Room 1, Darley

Councillors: Cr. Tatchell (Mayor)
Cr. Bingham
Cr. Dudzik
Cr. Edwards
Cr. Keogh
Cr. Sullivan
Cr. Toohey

Officers: Derek Madden; Ewen Nevett; Satwinder Sandhu; Sally Jones

Apologies: Cr Sullivan, Cr Bingham

1. Assembly opened at: 3.30

2. Disclosure of Conflict of Interests -

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. Item Notes:

Community Infrastructure Framework

Assembly closed at: 6.42

Signed:



Derek Madden
Chief Executive Officer

Date: 19.06.19

Attachment Item - 12.1e

Assembly of Councillors

Date:	Wednesday 19 June, 2019
Venue:	North Wing Meeting Room 1, Darley
Councillors:	Cr. Tatchell (Mayor) Cr. Bingham Cr. Dudzik Cr. Edwards Cr. Keogh Cr. Sullivan Cr. Toohey
Officers:	Derek Madden; Ewen Nevett; Satwinder Sandhu; Sally Jones
Apologies:	

1. **Assembly opened at:** *4.49*
2. **Disclosure of Conflict of Interests -**

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. **Item Notes:**

Review of Draft OMC Agenda

Assembly closed at: *5:20*

Signed:



Derek Madden
Chief Executive Officer

Date: 19.06.19

Attachment Item - 12.1f

Assembly of Councillors

Date:	Wednesday 19 June, 2019
Venue:	North Wing Meeting Room 1, Darley
Councillors:	Cr. Tatchell (Mayor) Cr. Bingham Cr. Dudzik Cr. Edwards Cr. Keogh Cr. Sullivan Cr. Toohey
Officers:	Derek Madden; Ewen Nevett; Satwinder Sandhu; Sally Jones
Apologies:	Cr. Sullivan

1. Assembly opened at: 4:50
2. Disclosure of Conflict of Interests -

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. The type of indirect interest specified under Section 78, 78A, 78B, 78C or 78D of the Local Government Act 1989 (amended) set out the requirements of a Councillor or member of a Special Committee to disclose any interest (pecuniary or non-pecuniary) or 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.

3. Item Notes:

Community Grants

Assembly closed at:

Signed:



Derek Madden
Chief Executive Officer

Date: 19.06.19

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.

Nil.

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.

Nil.

13. NOTICES OF MOTION**13.1 Cr. Tatchell N.O.M: No. 285 – Notice of Rescission – Community Grants Program Round 1 (March) 2019****Motion**

That Council rescinds the following resolution concerning Item 11.3.2 - Community Grants Program Round 1 (March) 2019 as adopted by Council at the Ordinary Meeting of Council on Wednesday 3 July, 2019:

Crs. Bingham/Keogh

1. ***That Council allocates the following grants in the Community Arts and Culture Grant category:***

Organisation Name	Project name	Amount
<i>Ballan & District Community House & Adult Education Centre Inc</i>	<i>Framing Your Art for Exhibition</i>	<i>\$2,700</i>
<i>Bacchus Marsh and District Photography Club</i>	<i>Basic Photography Workshop</i>	<i>\$1,613</i>
	<i>Total</i>	<i>\$4,313</i>

2. ***That Council allocates the following grants in the Community Strengthening Grant category:***

Organisation Name	Project name	Amount
<i>Djerriwarrh Health Services</i>	<i>Welcoming Baby to Country in Moorabool Shire</i>	<i>\$4,977</i>
<i>BM Dementia Alliance - Djerriwarrh Health Services</i>	<i>Environmental Audits</i>	<i>\$5,000</i>
<i>Moorabool Landcare Network</i>	<i>Growth at the Landcare Nursery</i>	<i>\$4,500</i>
<i>Ballan RSL Sub-Branch Building Patriotic Fund</i>	<i>Ballan RSL Air-conditioning</i>	<i>\$2,830</i>
<i>Bacchus Marsh Bmx Club Inc.</i>	<i>Bacchus Marsh BMX Club Scorers Hut</i>	<i>\$4,840</i>
<i>Myrniong Primary School</i>	<i>Flag Pole and Indigenous Garden</i>	<i>\$1,000</i>
<i>Bacchus Marsh & Melton Districts Community Theatre Incorporated</i>	<i>Moonlite Theatre Portable Lighting system</i>	<i>\$1,000</i>
<i>Ballan Shire Historical Society Incorporated</i>	<i>Air Conditioning of Ballan Old Courthouse.</i>	<i>\$1,795</i>
<i>The Lions Club of Bacchus Marsh Inc</i>	<i>Scout Hall Solar Panels</i>	<i>\$5,000</i>
<i>Ballan District Vintage Machinery and Vehicle club</i>	<i>Catch the Rain</i>	<i>\$3450</i>
	<i>Total</i>	<i>\$34,392</i>

3. ***That Council allocates the following grants in the Community Events Grant category:***

<i>Organisation Name</i>	<i>Project name</i>	<i>Amount</i>
<i>Darley Neighbourhood House and Learning Centre Inc.</i>	<i>Know Your Neighbour, Know Your Neighbourhood House</i>	<i>\$1,340</i>
<i>Moorabool Catchment Landcare Group</i>	<i>Celebrating 30 years of Landcare</i>	<i>\$2,900</i>
<i>Moorabool Light Orchestra</i>	<i>Young Peoples Concert</i>	<i>\$3,000</i>
<i>BM Running Club</i>	<i>Bacchus Marsh Recreational Running Events</i>	<i>\$1,000</i>
<i>Bacchus Marsh Aquatic Centre Community Consortium Inc</i>	<i>Bacchus Marsh Flower & Garden Show</i>	<i>\$3,000</i>
	<i>Total</i>	<i>\$11,240</i>

4. ***That Council allocates the following grants in the Community Development Fund Grant category:***

<i>Organisation Name</i>	<i>Project name</i>	<i>Amount</i>
<i>Ballan Bowling Club Inc</i>	<i>Ballan Bowls Synthetic Green</i>	<i>\$100,000</i>
<i>Clarendon Recreation Reserve Committee of Management</i>	<i>Stage 2 Management Plan Clarendon Recreation Reserve</i>	<i>\$ 29,742</i>
	<i>Total</i>	<i>\$129,742</i>

5. ***That all applicants be notified in writing of the outcome of their application.***
6. ***That Council Staff 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 next appropriate round of the Community Grants program.***

Councillor Sullivan called for a Division.

Councillors voting for the Resolution:

Cr. Bingham

Cr. Dudzik Cr. Keogh

Councillors voting against the Resolution:

Cr. Sullivan

Cr. Tatchell

The amendment was determined to be CARRIED.

Preamble

The amended resolution carried at the Ordinary Meeting of Council on Wednesday 3 July 2019 is in breach of Council's Community Grants Policy, with obvious repercussions.

Attachment Item - 13.1

Mr Derek Madden
Chief Executive Officer
Moorabool Shire Council
PO Box 18
BALLAN VIC 3342

3 July, 2019

Dear Derek,

Re: Notice of Rescission – Community Grants Program Round 1 (March) 2019

In accordance with the Council's Meeting Procedure Local Law No. 9 of 2016 – Part 8 clause 8.35 – Rescission Notification, please accept the following Notice of Rescission for consideration at the Ordinary Meeting of Council on Wednesday 7 August, 2019.

Motion

That Council rescinds the following resolution concerning Item 11.3.2 - Community Grants Program Round 1 (March) 2019 as adopted by Council at the Ordinary Meeting of Council on Wednesday 3 July, 2019:

Crs. Bingham/Keogh

- 1. That Council allocates the following grants in the Community Arts and Culture Grant category:**

<i>Organisation Name</i>	<i>Project name</i>	<i>Amount</i>
<i>Ballan & District Community House & Adult Education Centre Inc</i>	<i>Framing Your Art for Exhibition</i>	<i>\$2,700</i>
<i>Bacchus Marsh and District Photography Club</i>	<i>Basic Photography Workshop</i>	<i>\$1,613</i>
	<i>Total</i>	<i>\$4,313</i>

- 2. That Council allocates the following grants in the Community Strengthening Grant category:**

<i>Organisation Name</i>	<i>Project name</i>	<i>Amount</i>
<i>Djerriwarrh Health Services</i>	<i>Welcoming Baby to Country in Moorabool Shire</i>	<i>\$4,977</i>
<i>BM Dementia Alliance - Djerriwarrh Health Services</i>	<i>Environmental Audits</i>	<i>\$5,000</i>
<i>Moorabool Landcare Network</i>	<i>Growth at the Landcare Nursery</i>	<i>\$4,500</i>
<i>Ballan RSL Sub-Branch Building Patriotic Fund</i>	<i>Ballan RSL Air-conditioning</i>	<i>\$2,830</i>
<i>Bacchus Marsh Bmx Club Inc.</i>	<i>Bacchus Marsh BMX Club Scorers Hut</i>	<i>\$4,840</i>
<i>Myrniong Primary School</i>	<i>Flag Pole and Indigenous Garden</i>	<i>\$1,000</i>

<i>Bacchus Marsh & Melton Districts Community Theatre Incorporated</i>	<i>Moonlite Theatre Portable Lighting system</i>	<i>\$1,000</i>
<i>Ballan Shire Historical Society Incorporated</i>	<i>Air Conditioning of Ballan Old Courthouse.</i>	<i>\$1,795</i>
<i>The Lions Club of Bacchus Marsh Inc</i>	<i>Scout Hall Solar Panels</i>	<i>\$5,000</i>
<i>Ballan District Vintage Machinery and Vehicle club</i>	<i>Catch the Rain</i>	<i>\$3450</i>
	<i>Total</i>	<i>\$34,392</i>

3. That Council allocates the following grants in the Community Events Grant category:

<i>Organisation Name</i>	<i>Project name</i>	<i>Amount</i>
<i>Darley Neighbourhood House and Learning Centre Inc.</i>	<i>Know Your Neighbour, Know Your Neighbourhood House</i>	<i>\$1,340</i>
<i>Moorabool Catchment Landcare Group</i>	<i>Celebrating 30 years of Landcare</i>	<i>\$2,900</i>
<i>Moorabool Light Orchestra</i>	<i>Young Peoples Concert</i>	<i>\$3,000</i>
<i>BM Running Club</i>	<i>Bacchus Marsh Recreational Running Events</i>	<i>\$1,000</i>
<i>Bacchus Marsh Aquatic Centre Community Consortium Inc</i>	<i>Bacchus Marsh Flower & Garden Show</i>	<i>\$3,000</i>
	<i>Total</i>	<i>\$11,240</i>

4. That Council allocates the following grants in the Community Development Fund Grant category:

<i>Organisation Name</i>	<i>Project name</i>	<i>Amount</i>
<i>Ballan Bowling Club Inc</i>	<i>Ballan Bowls Synthetic Green</i>	<i>\$100,000</i>
<i>Clarendon Recreation Reserve Committee of Management</i>	<i>Stage 2 Management Plan Clarendon Recreation Reserve</i>	<i>\$ 29,742</i>
	<i>Total</i>	<i>\$129,742</i>

5. That all applicants be notified in writing of the outcome of their application.
6. That Council Staff 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 next appropriate round of the Community Grants program.

Councillor Sullivan called for a Division.

Councillors voting for the Resolution:

Cr. Bingham

Cr. Dudzik

Cr. Keogh

Councillors voting against the Resolution:

Cr. Sullivan

Cr. Tatchell

The amendment was determined to be CARRIED.

Preamble

The amended resolution carried at the Ordinary Meeting of Council on Wednesday 3 July, 2019 is in breach of Council's Community Grants Policy, with obvious repercussions.

Yours sincerely,



Cr. Paul Tatchell

Central Moorabool Ward

13.2 Cr. Tatchell N.O.M: No. 286 – Notice of Motion – Community Grants Program Round 1 (March) 2019

Motion

That the Council determines in the following manner in relation to the Community Grants Program Round 1 (March) 2019:

1. That Council allocates the following grants in the Community Arts and Culture Grant category:

Organisation Name	Project name	Amount
Ballan & District Community House & Adult Education Centre Inc	Framing Your Art for Exhibition	\$2,700
Bacchus Marsh and District Photography Club	Basic Photography Workshop	\$1,613
	Total	\$4,313

2. That Council allocates the following grants in the Community Strengthening Grant category:

Organisation Name	Project name	Amount
Djerriwarrh Health Services	Welcoming Baby to Country in Moorabool Shire	\$4,977
BM Dementia Alliance - Djerriwarrh Health Services	Environmental Audits	\$5,000
Moorabool Landcare Network	Growth at the Landcare Nursery	\$4,500
Ballan RSL Sub-Branch Building Patriotic Fund	Ballan RSL Air-conditioning	\$2,830
Bacchus Marsh BMX Club Inc.	Bacchus Marsh BMX Club Scorers Hut	\$4,840
Myrniong Primary School	Flag Pole and Indigenous Garden	\$1,000
Bacchus Marsh & Melton Districts Community Theatre Incorporated	Moonlite Theatre Portable Lighting system	\$1,000
Ballan Shire Historical Society Incorporated	Air Conditioning of Ballan Old Courthouse	\$1,795
The Lions Club of Bacchus Marsh Inc	Scout Hall Solar Panels	\$5,000
Ballan District Vintage Machinery and Vehicle Club	Catch the Rain	\$3450
	Total	\$34,392

3. That Council allocates the following grants in the Community Events Grant category:

Organisation Name	Project name	Amount
Darley Neighbourhood House and Learning Centre Inc.	Know Your Neighbour, Know Your Neighbourhood House	\$1,340
Moorabool Catchment Landcare Group	Celebrating 30 years of Landcare	\$2,900
Moorabool Light Orchestra	Young Peoples Concert	\$3,000
BM Running Club	Bacchus Marsh Recreational Running Events	\$1,000
	Total	\$8,240

4. That Council allocates the following grants in the Community Development Fund Grant category:

Organisation Name	Project name	Amount
Ballan Bowling Club Inc	Ballan Bowls Synthetic Green	\$100,000
Clarendon Recreation Reserve Committee of Management	Stage 2 Management Plan Clarendon Recreation Reserve	\$ 29,742
	Total	\$129,742

5. That all applicants be notified in writing of the outcome of their application.
6. That Council Staff 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 next appropriate round of the Community Grants program.

Attachment Item - 13.2

Mr Derek Madden
Chief Executive Officer
Moorabool Shire Council
PO Box 18
BALLAN VIC 3342

3 July, 2019

Dear Derek,

Re: Notice of Motion – Community Grants Program Round 1 (March) 2019

In accordance with the Council's Meeting Procedure Local Law No. 9 of 2016 – Part 6 clause 6.10 - Notice of Motion, please accept the following Notice of Motion for consideration at the Ordinary Meeting of Council on Wednesday 7 August 2019.

Motion

That the Council determines in the following manner in relation to the Community Grants Program Round 1 (March) 2019:

1. That Council allocates the following grants in the Community Arts and Culture Grant category:

Organisation Name	Project name	Amount
Ballan & District Community House & Adult Education Centre Inc	Framing Your Art for Exhibition	\$2,700
Bacchus Marsh and District Photography Club	Basic Photography Workshop	\$1,613
	Total	\$4,313

2. That Council allocates the following grants in the Community Strengthening Grant category:

Organisation Name	Project name	Amount
Djerriwarrh Health Services	Welcoming Baby to Country in Moorabool Shire	\$4,977
BM Dementia Alliance - Djerriwarrh Health Services	Environmental Audits	\$5,000
Moorabool Landcare Network	Growth at the Landcare Nursery	\$4,500
Ballan RSL Sub-Branch Building Patriotic Fund	Ballan RSL Air-conditioning	\$2,830

Bacchus Marsh BMX Club Inc.	Bacchus Marsh BMX Club Scorers Hut	\$4,840
Myrniong Primary School	Flag Pole and Indigenous Garden	\$1,000
Bacchus Marsh & Melton Districts Community Theatre Incorporated	Moonlite Theatre Portable Lighting system	\$1,000
Ballan Shire Historical Society Incorporated	Air Conditioning of Ballan Old Courthouse	\$1,795
The Lions Club of Bacchus Marsh Inc	Scout Hall Solar Panels	\$5,000
Ballan District Vintage Machinery and Vehicle Club	Catch the Rain	\$3450
	Total	\$34,392

3. That Council allocates the following grants in the Community Events Grant category:

Organisation Name	Project name	Amount
Darley Neighbourhood House and Learning Centre Inc.	Know Your Neighbour, Know Your Neighbourhood House	\$1,340
Moorabool Catchment Landcare Group	Celebrating 30 years of Landcare	\$2,900
Moorabool Light Orchestra	Young Peoples Concert	\$3,000
BM Running Club	Bacchus Marsh Recreational Running Events	\$1,000
	Total	\$8,240

4. That Council allocates the following grants in the Community Development Fund Grant category:

Organisation Name	Project name	Amount
Ballan Bowling Club Inc	Ballan Bowls Synthetic Green	\$100,000
Clarendon Recreation Reserve Committee of Management	Stage 2 Management Plan Clarendon Recreation Reserve	\$ 29,742
	Total	\$129,742

5. That all applicants be notified in writing of the outcome of their application.
6. That Council Staff 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 next appropriate round of the Community Grants program.

Yours sincerely,

Cr. Paul Tatchell
Central Moorabool Ward

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

1. That Council rescind 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.**

Attachment Item - 13.3

Mr Derek Madden
Chief Executive Officer
Moorabool Shire Council
PO Box 18
BALLAN VIC 3342

4 April, 2019

Ref: JK

Dear Derek,

Re: Notice of Rescission

In accordance with the Council's Meeting Procedure Local Law No. 9-2016 – Rescission Notification, please accept the following Notice of Rescission for consideration at the Ordinary Meeting of Council on Wednesday 1 May, 2019.

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 made by Officers in the Agenda be accepted:

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.

Yours sincerely,

Cr. John Keogh
East Moorabool Ward

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

17.1 C22-2018/19 Werribee Vale Rd, Maddingley - Pavement Rehabilitation & Widening.	
Directorate:	Community Assets and Infrastructure
General Manager:	Ewen Nevett
Author:	Tristan May
<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.

Pursuant to the provisions of
Section 89(2) of the Local Government Act 1989,
Item 17.1 is a confidential item and therefore not
included as part of this Agenda.

18. MEETING CLOSURE