

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council
held at Council Chamber, 15 Stead Street Ballan,
on Wednesday 1 February 2017 at 5:00 p.m.

Members:

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

Officers:

Mr. Rob Croxford	Chief Executive Officer
Mr. Phil Jeffrey	General Manager Infrastructure
Mr. Satwinder Sandhu	General Manager Growth and Development
Mr. Danny Colgan	General Manager Social and Organisational Development

Rob Croxford
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr. Edwards, opened the meeting at 5.00pm with the Council Prayer.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. PRESENT

<i>Cr. David Edwards (Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. Jarrod Bingham</i>	<i>East Moorabool Ward</i>
<i>Cr. Tonia Dudzik</i>	<i>East Moorabool Ward</i>
<i>Cr. John Keogh</i>	<i>East Moorabool Ward</i>
<i>Cr. Tom Sullivan</i>	<i>West Moorabool Ward</i>

Officers:

<i>Mr. Rob Croxford</i>	<i>Chief Executive Officer</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Social and Organisational Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Growth and Development</i>
<i>Mr. Robert Fillisch</i>	<i>Manager Statutory Planning and Community Safety</i>
<i>Mr. John Miller</i>	<i>Manager Asset Management</i>
<i>Ms. Sam Romaszko</i>	<i>Manager Engineering Services</i>
<i>Ms. Jacinta Erdody</i>	<i>Acting Manager Finance</i>
<i>Mr. Ian Waugh</i>	<i>Acting Manager Recreation Youth Development</i>
<i>Mr. John Whitfield</i>	<i>Governance Coordinator</i>
<i>Ms. Michelle Morrow</i>	<i>Minute Taker</i>

4. APOLOGIES

<i>Cr. Paul Tatchell</i>	<i>Central Ward</i>
<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>

5. CONFIRMATION OF MINUTES

5.1 Ordinary Meeting of Council – Wednesday 7 December 2016

Resolution:

Crs. Sullivan/Keogh

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 7 December 2016.

CARRIED.

5.2 Special Meeting of Council – Wednesday 21 December 2016

Resolution:

Crs. Keogh/Dudzik

That Council confirms the Minutes of the Special Meeting of Council held on Wednesday 21 December 2016.

CARRIED.

6. 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.

Nil – however, refer to late disclosures at:

Item 10.2.1 - Planning Permit 2016-155; Development and use of the land for an outdoor shooting range and associated earthworks on 392 Moretons Road, Balliang East.

and

Item 15.1 – Renaming Rupert Moon Reserve to Rupert Moon VC Reserve.

7. 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.

Ms. Dorothy Hazell, Bacchus Marsh, submitted the following questions which were responded to at the Meeting. A further meeting with Council officers is to be arranged.

Does Council feel that this new policy to hire Maddingley Park is fair and in the best interest of all community groups wanting to use the park for events and festivals?

How do we go about having the new policy amended or reverted to the previous policy?

8. PETITIONS

A petition was presented to Council by a speaker to Item 10.3.2 Leisure Services In-House Modelling Project.

The petition did not meet the provisions of the Meeting Procedures Local Law No. 9 Clause 6.7 however was accepted by Council as a submission to the Item.

9. 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
10.3.2	<i>Leisure Services In-House Modelling Project</i>	<i>Bronwyn Doyle</i>	<i>Objector</i>
10.3.2	<i>Leisure Services In-House Modelling Project</i>	<i>Helen Cotter</i>	<i>Objector</i>
10.4.5	<i>Bacchus Marsh Racecourse Recreation Reserve – Stage 1 Scope</i>	<i>Darren Fowlie</i>	<i>Objector</i>

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
10.2.1	<i>Planning Permit 2016-155; Development and use of the land for an outdoor shooting range and associated earthworks on 392 Moretons Road, Balliang East</i>	<i>Eric Bullmore</i>	<i>Objector</i>

10. OFFICER'S REPORTS

10.1 CHIEF EXECUTIVE OFFICER

No reports for this meeting.

10.2 GROWTH AND DEVELOPMENT

Cr. Tom Sullivan declared an Indirect Conflict of Interest (Section 78A) in relation to Item 10.2.1 - Planning Permit 2016-155; Development and use of the land for an outdoor shooting range and associated earthworks on 392 Moretons Road, Balliang East. The nature of the conflict of interest is due to Cr. Sullivan previously having conducted surveying work for one of the objectors to the Application. The conflict was identified by Cr. Sullivan when the objector came forward to speak.

Cr. Sullivan left the meeting at 5.10 pm and did not participate in voting on the Item.

Consideration of Deputations - Planning Permit 2016-155

Mr. Eric Bullmore addressed Council as an objector to the granting of a planning permit for the application.

The business of the meeting then returned to the agenda.

10.2.1 Planning Permit 2016-155; Development and use of the land for an outdoor shooting range and associated earthworks on 392 Moretons Road, Balliang East.

Application Summary:	
Permit No:	PA2016-155
Lodgement Date:	21 June 2016.
Planning Officer:	Mark Lovell.
Address of the land:	Crown Allotment 133, Parish of Balliang 392 Moretons Road, Balliang East.
Proposal:	Development and Use of the land for an Outdoor Shooting Range and Associated Earthworks
Lot size:	115.20 hectares.
Why is a permit required	Clause 35.07-1 - Farming Zone - Use of land for an outdoor shooting range Clause 35.07-4 Farming Zone - Works associated with a use in Section 2 Clause 52.06 – Car Parking

Public Consultation:	
Was the application advertised?	Yes.
Notices on site:	Yes.
Notice in Moorabool Newspaper:	No.
Number of Objections:	Six objections
Consultation meeting:	Consultation meeting held between one objector and the permit applicant but no resolution achieved.
Policy Implications:	
Key Result Area	Enhanced Natural and Built Environment.
Objective	Effective and efficient land use planning and building control.
Strategy	Implement high quality, responsive, and efficient processing systems for planning and building applications Ensure that development is sustainable, resilient to change and respects the existing character.
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. <i>Manager – Robert Fillisch</i> In providing this advice to Council as the Manager, I have no interests to disclose in this report.	

<i>Author – Mark Lovell</i>	
In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary:	
Application Referred?	The application was referred to DELWP, EPA, AusNet Services and Council's Infrastructure section
Any issues raised in referral responses?	Yes, DELWP requested further information regarding any native vegetation removal. The applicant replied that no native vegetation would be removed.
Preliminary Concerns?	Car parking layout. The initial plans showed under sized car spaces.
Any discussions with applicant regarding concerns	The applicant provided more detailed car parking plans and a written assessment against Clause 52.06
Any changes made to the application since being lodged?	The applicant provided more detailed acoustic readings.
VCAT history?	No. An outdoor shooting range on an adjacent property was subject to four separate VCAT hearings between the year 2000 and 2013 which provides some useful background information.
Previous applications for the site?	PA2016132 was issued 19 August, 2016 for the development of a shed ancillary to an existing dwelling.
General summary (Pro's/Con's of the proposal)	<p>The earthworks are not significant and can complement a rural setting. The applicant has provided adequate on site car parking to meet current and future demand due to the large land area available.</p> <p>The primary concern is use of the land for outdoor shooting range where sensitive land uses are located nearby. There is the likelihood to create adverse impacts based on the hours of operation and cumulative effect of two shooting ranges side by side which can restrict the future viability of using surrounding land for certain farming uses.</p>
Summary Recommendation:	
That, having considered all relevant matters as required by Section 60 of the Planning and Environment Act 1987, Council issue a refusal to grant a permit for development and use of the land for an outdoor shooting range and associated earthwork at 392 Moretons Road, Balliang East.	

Background

Clay Shooting was conducted on site around December, 2015 which resulted in a complaint directed to Council. The land owner was contacted by Council and has subsequently applied for a planning permit to use the land for an outdoor shooting range.

Public Notice

The application was notified to adjoining and surrounding landowners by mail and by placing a large notice on site for a period of fourteen days. A statutory declaration verifying display of the large notice was received on 29 November, 2016. Notification included to the owners and occupiers within the boundaries of Wyndham City Council located to the east of the subject land and within the boundaries of the City of Greater Geelong located to the south of the subject land.

Summary of Objections

The objections received are detailed below with officer's comments accompanying them:

Objection	Any relevant requirements
Lack of properly drafted drawings/shooting stands, danger templates/safety protection.	
Officer's response – The applicant has provided adequate details of the use of the land and a site plan.	
Acoustic report is inadequate.	
Officer's response – After the consultation meeting, further acoustic details were provided by the acoustic engineer. These details included a complete record of dates and time of gunshot noise readings without significant background interference and weather data including air temperature and wind speed. This information was forwarded to the objectors. One objector, who is not an acoustic engineer, has undertaken his own noise report after testing 40 gunshots.	
Lack of Traffic Management Plan. Impacts on Moretons Road	Clause 52.06
Officer's response – Traffic Management Plan can requested prior to the commencement of the use as recommended by Council's Infrastructure section. The applicant has provided a car parking assessment in accordance with Clause 52.06.	
Lack of lead management plans	
Officer's response – The applicant has submitted a waste management plan	
Lack of Native Vegetation Plan	Clause 52.17

Officer's response – No trees or native vegetation will be removed.	
Site is listed in Victorian Heritage Register and contains significant Aboriginal objects	Aboriginal Heritage Regulations 2007
Officer's response – The shooting range is located outside the area covered by Cultural Heritage Sensitivity. There is no requirement for the owner to undertake a Cultural Heritage Management Plan (CHMP)	
Lack of Environmental Management Plan	
Officer's response - The applicant has provided waste management plan which suggests there is minimal environment impacts caused by waste.	
The applicant is not a fit and proper person/previous legal action/ problems at another site.	
Officer's response – Conduct of the applicant is not a relevant planning consideration and proposal relates to the use of land and not an individual.	
Noise impacts/ Proximity to a nearby dwelling	Acoustic Report
Officer's response – Noise impacts are discussed later in the report.	
Cumulative impact of second shooting range.	
Officer's response – This is similar to Council concern with the proposal.	

Proposal

It is proposed to use the north-east corner of the property for an outdoor shooting range. The shooting range will consist of three fixed traps with 120 metres reclamation mound, two shooting bunkers with dirt side walls and 2 metres high bulka bag walls, and a portable toilet. The bunkers will have external lights to allow for 'sundown' shooting. Ammunition will be stored in a transportable shipping container. There is a small car park area north of the existing internal accessway providing for 10 car spaces and one disabled persons space with an overflow car parking located to the east of the internal accessway that can accommodate 49 car spaces. The shooting range will operate seven days a week from 9am to 10pm on Monday to Saturday and 12pm to 10pm on Sunday. The clay targets will be made of biodegradable products while projectiles will made of brass, lead, and steel with later two used in shot gun ammunition.

The operator is Metro Practice Shooting Range Incorporated and is described as a not for profit club that currently has 200 members and anticipated to over 500 member as part of a four year growth program. Their mission statement is to supply safe non bias training to all members of the community regardless of gender, social, economic, physical, and intellectual background.

Site Description

The subject site is located on the western side of Moretons Road, south of Sharkey Road, Balliang East. The lot is triangular in shape with a maximum length of 1854 metres and maximum width of 1204.40 metres for a total land area of 115.2 hectares. The site is comprised of two detached residential dwellings and associated outbuilding and shedding concentrated in the south-east part of the site. The shooting range area has a relatively flat topography and contain no trees. There are some established trees covering the dwellings. The site has previously been used as a sheep farming property.

There is a major electricity transmission line transversing through the south-east corner of the site and is protected by an easement on title. The southern boundary of the property is Balliang Creek which connects into Little River.

The property is located in the south-east corner of the municipality, with the adjacent properties to the south within the City of Greater Geelong and the adjacent properties to the east within Wyndham City Council.

The site and surrounds are located within a Farming Zone while the properties to the east are located within a Rural Conservation Zone.

Surrounding properties are comprising of grazing and livestock farms with scattering of detached shed buildings and residential dwellings. The distance to the nearest dwellings are approximately 850 metres to the south and 2.5 kilometres to the north.

The property to the immediate south comprises of an outdoor shooting range and residential dwelling. The outdoor shooting range was initially refused by Council (City of Greater Geelong) and then VCAT on review (VCAT reference 2000/041857). A further application was made to use the land for an outdoor shooting range confined to a particular individual with a limited hours of operation, limited number of shooters and restrictive expiry dates which was granted a permit on review by VCAT (VCAT reference P1768/2002). There were two further application for review to alter permit conditions (VCAT references P1681/2012 and P816/2013).

Locality Map

The site below indicates the location of the subject site and the zoning applicable to the surrounding area.

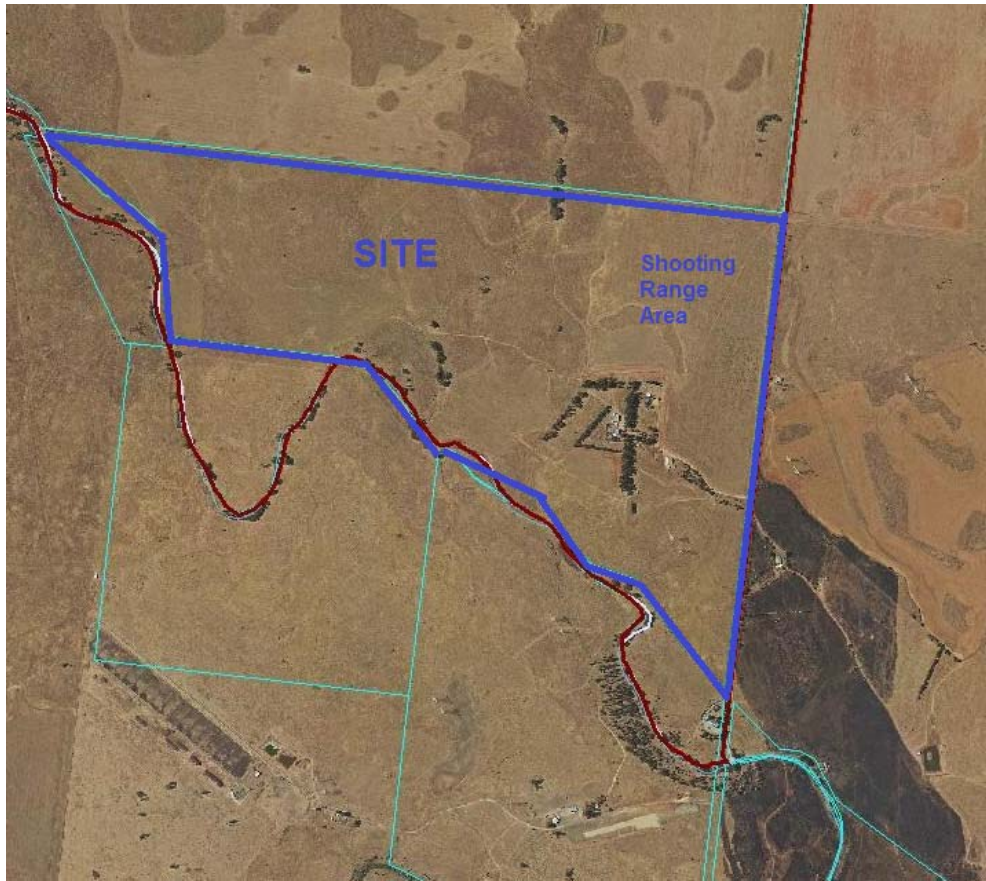


Figure 1: Locality Map

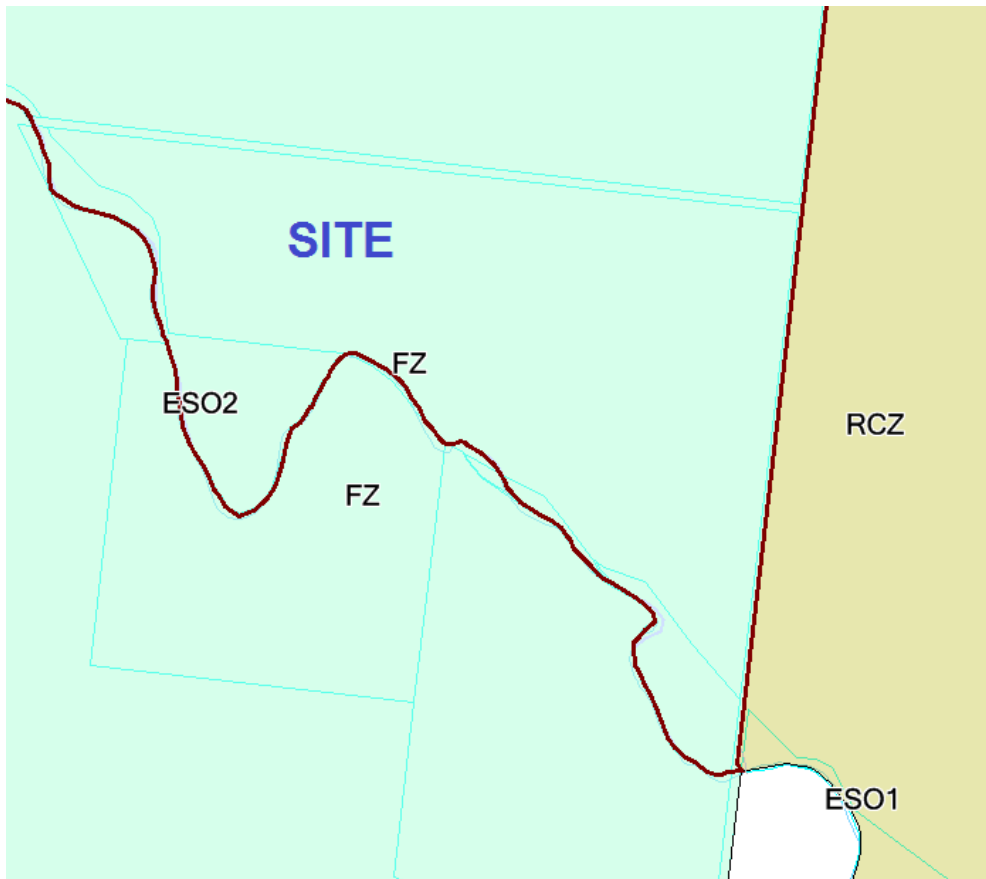


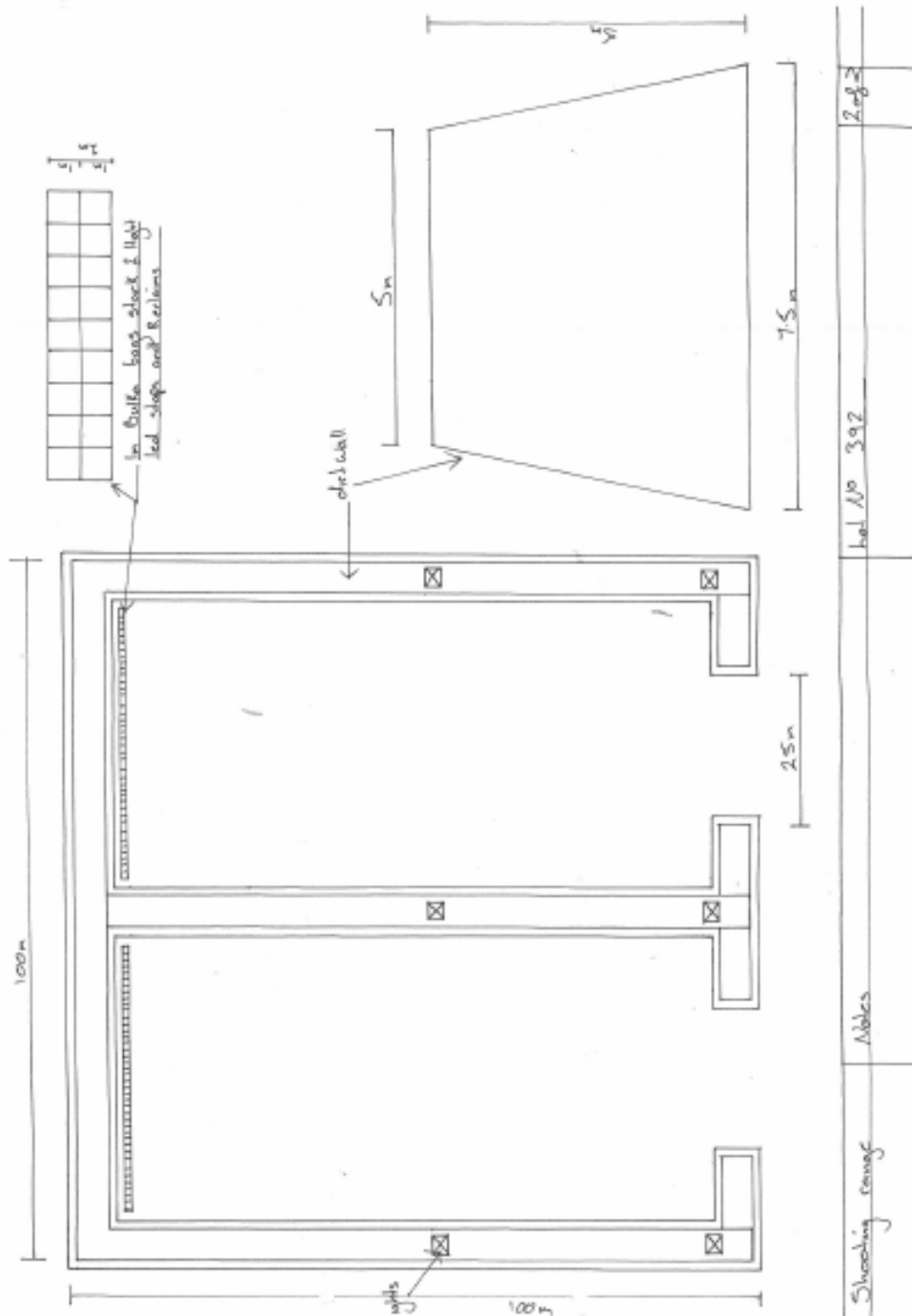
Figure 2: Zone Map



Site plan 1 – Shooting traps and car park



Site plan 2 – Shooting Bunkers.



Shooting Bunker detail

Planning Scheme Provisions

Council is required to consider the Victoria Planning Provisions and give particular attention to the State Planning Policy Framework (SPPF), the Local Planning Policy Framework (LPPF) and the Municipal Strategic Statement (MSS).

The relevant clauses are:

- Clause 11.05-1 Melbourne's hinterland areas
- Clause 11.06-7 Environmental Assets.
- Clause 13.04-1 Noise Abatement.
- Clause 14.02-1 Catchment Planning and Management.
- Clause 14.01-1 Protection of Agricultural Land
- Clause 17.01-1 Business
- Clause 21.02-3 Water and Catchment Management.
- Clause 21.03-2 Urban Growth Management
- Clause 21.04-2 Agriculture.
- Clause 21.05-2 Water Supply.

The proposal complies with the relevant sections of the SPPF and LPPF, with the exception of the clauses outlined in the table below:

SPPF	Title	Response
Clause 13.04-1	Noise Abatement	The proposed use does not ensure adequate separation with nearby sensitive land uses which will be prejudiced by noise emissions.
Clause 14.01-1	Protection of Agricultural land.	The proposal is considered to have negative impact on the continuation of primary production on adjacent land.

Zone

The site is located in a Farming Zone under the Moorabool Planning Scheme. The purpose of the Farming Zone is:

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To provide for the use of land for agriculture.
- To encourage the retention of productive agricultural land.
- To ensure that non-agricultural uses, including dwellings, do not adversely affect the use of land for agriculture.
- To encourage the retention of employment and population to support rural communities.
- To encourage use and development of land based on comprehensive and sustainable land management practices and infrastructure provisions.

The decision guidelines under general issues has the following objectives:

- The State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- Any Regional Catchment Strategy and associated plan applying to the land.
- The capability of the land to accommodate the proposed use or development, including the disposal of effluent.
- How the use or development relates to sustainable land management. Whether the site is suitable for the use or development and whether the proposal is compatible with adjoining and nearby land uses.
- How the use and development makes use of existing infrastructure and services.

Overlays

Environmental Significance Overlay Schedule 1 (ES02 and ES07)

The subject site is in the Environmental Significance Overlay Schedule 2 and partly in Environmental Significance Overlay Schedule 7, the provisions of Clause 42.01 apply.

The purpose of the overlay is

- To implement the State Planning Policy Framework and the Local Planning Policy Framework, including the Municipal Strategic Statement and local planning policies.
- To identify areas where the development of land may be affected by environmental constraints.
- To ensure that development is compatible with identified environmental values.

Under Part 2 of Schedule 2 of the overlay has the following environmental objectives to be achieved.

- To protect the habitat significance of vegetation.
- To provide for appropriate development of land within 100 metres of either side of a waterway.
- To prevent pollution and increased turbidity of water in natural waterways.
- To prevent increased surface runoff or concentration of surface water runoff leading to erosion or siltation of waterways.
- To conserve existing flora and fauna habitats close to waterways and to encourage generation and regeneration of habitats.

Under Part 2 of Schedule 7 of the overlay has the following environmental objectives to be achieved.

- To prevent a decline in the extent and quality of native vegetation and native fauna habitat of the Victorian Volcanic Plain.
- To enhance the environmental and landscape values of the area.
- To avoid the fragmentation of contiguous areas of native vegetation or native fauna habitat.

- To ensure that any use, development or management of the land is compatible with the long-term conservation, maintenance and enhancement of the grasslands.
- To avoid the destruction of habitat for native fauna resulting from the modification of land form and disturbance of surface soils and rocks.
- To enable areas of environmental significance, due to their native vegetation or habitat values, to be identified.

Under Clause 42.01-2 a planning permit is required to carry out works.

Particular Provisions

An Outdoor Shooting Range is not listed in the use table of Clause 52.06-5. Under Clause 52.06-5A states where a use of land is not specified in Table 1 or where a car parking requirement is not specified for the use in another provision of the planning scheme or in a schedule to the Parking Overlay, before a new use commences or the floor area or site area of an existing use is increased, car parking spaces must be provided to the satisfaction of the responsible authority.

Before deciding that a plan prepared under Clause 52.06-7 is satisfactory, the responsible authority must consider, as appropriate:

- The role and function of nearby roads and the ease and safety with which vehicles gain access to the site.
- The ease and safety with which vehicles access and circulate within the parking area.
- The provision for pedestrian movement within and around the parking area.
- The provision of parking facilities for cyclists and disabled people.
- The protection and enhancement of the streetscape.
- The provisions of landscaping for screening and shade.
- The measures proposed to enhance the security of people using the parking area particularly at night.
- The amenity of the locality and any increased noise or disturbance to dwellings and the amenity of pedestrians.
- The workability and allocation of spaces of any mechanical parking arrangement.
- The design and construction standards proposed for paving, drainage, line marking, signage, lighting and other relevant matters.
- The type and size of vehicle likely to use the parking area. Whether the layout of car parking spaces and access lanes is consistent with the specific standards or an appropriate variation.
- The need for the required car parking spaces to adjoin the premises used by the occupier/s, if the land is used by more than one occupier.
- Whether the layout of car spaces and accessways are consistent with Australian Standards AS2890.1-2004 (off street) and AS2890.6-2009 (disabled).
- The relevant standards of Clauses 56.06-2, 56.06-4, 56.06-5, 56.06-7 and 56.06-8 for residential developments with accessways longer than 60 metres or serving 16 or more dwellings.
- Any other matter specified in a schedule to the Parking Overlay

Clause Rescode	Title	Response
52.06	Car Parking	Proposal provides a satisfactory number of car spaces that meets the minimum length and width dimensions under Clause 52.06-8.

Discussion

Use of the land

The use of firearms is a typical activity on farming zoned land to manage livestock and remove vermin. The zoning of the land does not prohibit an outdoor shooting range. The issue is to examine the location of the site in relation to sensitive land uses such as dwellings and impact it will have on surrounding land uses. The site is an open field without natural barriers such as screen trees and will be readily visible and exposed from a public roadway, Moretons Road. There are scattering of dwellings in the area such as Sharkey Road to the north and Moreton Road to the south.

What is not proposed is an irregular or occasional shooting event but a seven day a week shooting activity that could involve a large number of shooters with the car park able to accommodate 60 vehicles. The applicant has stated in their written submission they would in the future like to establish clubrooms and grow their membership base to 500 members. This will diminish amenity afforded to nearby residents and will be an intensive recreational use on farming zoned land.

The primary purpose of the Farming Zone is support agricultural activities and this could be compromised in the event of surrounding owners have livestock that are not resilient to firearm noises. The proposed 'sundown' shooting will create negative amenity impact during the night time hours. The proposed use which can amenity impacts is too intensive in a site that has some exposure to nearby residential dwellings.

The adjacent southern property which has planning permission issued by the City of Greater Geelong for an outdoor shooting range presented useful background information during their application for reviews before VCAT. The tribunal in RSPCA & Ors v Greater Geelong CC made the following in comments in paragraph 10 of their order.

The Tribunal summarised in its decision a number of previous cases presented by the parties to support their arguments in relation to the intensity of the proposal. Below is reproduced the summary table and some of the Tribunal's comments on it from that decision:

Date	Permit Applicant	Responsible Authority	Intensity	Result
July 6, 1977	Burns	M.M.B.W.	Not specified	Refused
March 13, 1981	Mollica	M.M.B.W.	" "	"
May 6, 1991	Steel	Yea S.C.	" "	"
Aug 13, 1996	Hedger	Murrindindi S.C.	10 shoots p.a.	Granted
July 1, 1998	Bacchus Marsh Field & Game	Moorabool S.C.	Saturdays only	"
Aug 20, 1999	Bendigo Field & Game	Greater Bendigo CC	20 shoots p.a.	"
June 21, 2000	P & M Webb	Moira S.C.	3 shoots p.a.	"

While the decisions in the first three instances do not specify the frequency of the use proposed, all involved clay target clubs and it is a reasonable inference, we believe, that shooting would have been limited generally to club events on weekends.

It can be seen from the foregoing that none of these proposals involved shooting of the intensity involved in this application where, even on the limited basis now sought by Mr Bartley, target shooting of some kind (either at club events or through coaching) could take place up to four times each week.

The tribunal was rightly concerned about a shooting range operating more than twice a week and the negative impact it would have on surrounding land uses. The current proposal is for seven days a week. The permit granted for the adjacent property was initially limited to two days a week with limited hours of operation, limited number of shooters and the permit was made to run with the individual and would cease if that applicant no longer continued that business at that site. The applicant later unsuccessfully tried to alter this particular condition linking the permit to an individual on review with VCAT.

There are similar concerns with the current proposal which would operate seven days a week shooting activity and could have a large number of shooters present or could have large number of people in non shooting social activities linked to the shooting range. This intensity of a use could limit future farming opportunities on adjacent properties if they intend to expand or seek alternative productive farming uses. A negative for the proposal is there is already an outdoor shooting range on an adjacent property and this will have the effect exacerbating amenity impacts if both site are operating at the same time. The site and surrounds are not identified in planning scheme as centres for shooting ranges or for clusters of recreational facilities which could encourage like for like shooting activity within a certain precinct. The proposed use of the land should maintain its farming use whilst acknowledging there are some appropriate non farming activities that can occur in certain locations. In this instance, an outdoor shooting range is not appropriate at this site.

Noise Impacts.

The applicant has provided an acoustic report. The report acknowledges there is no legislation covering noise controls on shooting ranges. There is an EPA Guideline called 'Noise from Outdoor Shooting Ranges' which is designed to assist Councils and EPA when assessing noise complaints and provides recommended noise levels. The acoustic report determined that the adjacent dwelling to the south was a commercial property and only provided readings that show noise levels where within acceptable levels to the dwelling at 320 Sharkey Road and was within 45dba level. The acoustic engineer did recommend limitations to the hours of operations to not exceed into the night time hours, after 6pm, and the operation during Mondays to Thursdays to be restricted to certain rifles and certain ammunition.

The unusual aspect to the proposal is the adjacent southern property is also a shooting range which contains a dwelling. This dwelling is afforded less residential amenity and subject to adverse amenity impact such as noise from its own shooting range. The only difference is there could be a cumulative effect of noise if both shooting ranges are operating at the same time.

The applicant proposes to operate up to 10pm seven days a week and based on the recommendations of the applicant's acoustic engineer this would present unacceptable noise impacts on adjacent and nearby properties especially during the night time hours.

Car Parking

With a large land area and existing internal accessway has allowed the shooting range to accessible and adequate on site car parking spaces to meet any current or future demands. The applicant has also proposal a car space dedicated for a disabled person which meets the minimum requirements of Clause 52.06-8, Design Standard 2.

General Provisions

Clause 65 – Decision Guidelines have been considered by officers in evaluating this application.

Clause 66 - stipulates all the relevant referral authorities to which the application must be referred.

Referrals

The following referrals were made pursuant to s.55 of the Planning and Environment Act 1987 and Council departments were provided with an opportunity to make comment on the proposed development plan.

Authority	Response
DELWP EPA AusNet Services (Section 52)	No objection No objection Sent for information, no response
Infrastructure	No objection subject to eight conditions

Financial Implications

There are no financial implications.

Risk and Occupational Health and Safety Issues

The recommendation of refusal to this use and development does not implicate any risk or OH & S issues to Council.

Communications Strategy

Notice was undertaken for the application, in accordance with s.52 of the Planning and Environment Act 1987, and further correspondence is required to all interested parties to the application as a result of a decision in this matter. All submitters and the applicant were invited to attend this meeting and invited to address Council if desired.

Options

An alternative recommendation would be to approve the application on the grounds that it complies with the planning scheme provisions and is an acceptable land use.

Approving the application may result in the objectors lodging an application for review of Council's decision with VCAT.

Conclusion

The proposed use and development of an outdoor shooting range and associated earthworks does not comply fully with the State and Local Planning Policy Framework, the Farming Zone, and the Environmental Significance Overlay.

The proposal is not compatible with the surrounding farming zone land and is likely to cause adverse amenity impacts in conjunction with an existing shooting range on an adjacent property. The proposed would limit future use of surrounding and nearby land for productive agricultural purposes. The proposal should not be supported.

Resolution:**Crs. Dudzik/Bingham**

That, having considered all matters as prescribed by the Planning and Environment Act, Council issue a refusal to grant a permit PA2016-155 for use and development of an outdoor shooting range and associated earthworks at Crown Allotment 133, Parish of Balliang known as 392 Moretons Road, Balliang East based on the following grounds.

- 1. The proposal does not comply with Clause 13.04 (Noise Abatement) of the Moorabool Planning Scheme by not ensuring minimal noise impacts with surrounding sensitive land uses.***
- 2. The proposal does not comply with Clause 14.01 (Agriculture) of the Moorabool Planning Scheme, by adversely impacting upon the continuation of primary production on adjacent or nearby land.***
- 3. The shooting range is incompatible with the surrounding land uses due to the hours of operation.***
- 4. The proposed use does not represent the orderly planning of the area.***

CARRIED.***Cr. Sullivan returned to the Meeting at 5.11 pm.***

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

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 12 January 2017

10.2.2 On Road Cycle Racing Policy

Author: Satwinder Sandhu
General Manager: Satwinder Sandhu

Introduction

At the Ordinary Meeting held on Wednesday 16 November, 2016 Council resolved the following:

Resolution:

Crs. Sullivan/Tatchell.

That, in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', the On Road Cycle Racing Policy as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.

The purpose of this report is to further consider the policy for On-Road Cycling Races (Attachment 10.2.2) and adopt it accordingly. During this period, no objections have been received.

Background

Cycle races are held regularly on the road network of Moorabool Shire. These events have a variety of impacts depending on their size, duration and location. By adopting a policy, Council has a consistent guide by which to assess the merits of supporting or rejecting requests from event organisers to stage on-road cycling events within Moorabool Shire.

Council provides advice, assessment and permissions relating to the staging of the event and assists with communication and promotion in some cases.

Council does not have a policy for specifically for on-road cycling events. Since 2007, Victorian LGA's and on-road cycling race organisers have based cycling event and traffic management plans and approvals according the VicRoads guide "On-Road Cycling Events – a guide to obtaining approval."

In 2014, Council's Economic Development Unit, with the assistance of a cross-organisational events reference group, developed comprehensive processes and procedures to improve the regulation of events in the Shire.

This policy provides strategic reinforcement of current process and practice.

Proposal

To consider and adopt a Council policy specifically for On-Road Cycling Racing. This is based upon previous resolutions of Council.

Date	Council Meeting	Resolution
Wednesday 2 March, 2016	Ordinary Meeting of Council	That Council develop a policy with respect to cycle racing on Council roads within the shire.
Wednesday 17 August, 2016	S86 Place Making Advisory Committee	Recommends that the draft On Road Cycle Racing Policy be presented to Council to lay on the table prior to adoption, as per policy protocol.
Wednesday 16 November, 2016	Ordinary Meeting of Council	That, in accordance with Moorabool Shire Council Policy Protocol, 'Consideration of items which Affect beyond the Current Year', the On Road Cycle Racing Policy as attached, now lay on the table for further consideration at the next Ordinary Meeting of Council.

Policy Implications

The proposal is for development of a new policy for On-Road Cycle Racing. The draft policy report was laid on the table for a month, as per the Council Policy Protocol.

The 2013 – 2017 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	A strong and diverse local economy
Strategy	Encourage tourism initiatives through local and regional groups

The proposal to implement this policy is consistent with the 2013 – 2017 Council Plan.

Financial Implications

There are no significant financial considerations.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OHS – Manual handling	Injury from set up, removal of event	Medium	Policy Event Risk Management Plans Dedicated production manage State Guidelines Council Event reference group
Emergency	Fire or traffic accidents	Medium	Policy Event Emergency Management Plans St Johns Ambulance CFA State Guidelines Council Event reference group
Public liability	Death or injury at event – claims for compensation	Medium	Policy Physical barriers Signage TMP PLI State Guidelines Council Event reference group

Communications and Consultation Strategy

If adopted, Council to include the policy with the Event Notification form for on-road cycling event requests. Policy will be uploaded to Council's website.

Victorian Charter of Human Rights and Responsibilities Act 2006

In developing this report, 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.

Conclusion

A cycle racing policy for large-scale competitive on-road cycling races within the Shire has been considered by the S86 Place Making Advisory Committee 17 August, 2016 and also been laid on the table as per Council Protocol. No submissions have been received during this period.

Resolution:

Crs. Sullivan/Cr Dudzik

That Council adopts the On Road Cycle Racing Policy (Attachment 10.2.2).

CARRIED.

Report Authorisation:

Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Growth and Development

Date:

Thursday, 12 January 2017



10.2.3 Instrument of Appointment and Authorisation of Council Officers under Section 174(4) of the Planning and Environment Act 1987

Introduction

Author: John Whitfield
General Manager: Satwinder Sandhu

Under section 174(4) of the *Planning and Environment Act 1987* (the Act), Council must appoint authorised officers for the purposes and regulations made under the Act.

Background

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

Proposal

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

The change to this Instrument reflects the changes to staff assignments within the Planning and the Environmental Health service units.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Good governance through open and transparent processes and strong accountability to the community
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The preparation of this Instrument of Appointment and Authorisation of Council Officers under section 174(4) of the *Planning and Environment Act 1987* is consistent with the 2013-2017 Council Plan.

Financial Implications

No financial implications to Council.

Risk & Occupational Health & Safety Issues

No Risk and Occupational Health and Safety issues apply to Council unless the relevant Council officers do not receive the appropriate instrument of appointment and authorisation from Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – John Whitfield

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

Conclusion

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

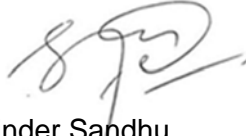
Resolution:

Crs. Sullivan/Bingham

That Council approves under the common seal of Council, the attached Instrument of Appointment and Authorisation of Council officers under section 174(4) of the Planning and Environment Act 1987.

CARRIED.

Report Authorisation



Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Thursday, 12 January 2017

10.2.4 Recording of Council Meetings

Introduction

File No.: 02/01/001
Author: John Whitfield
General Manager: Satwinder Sandhu

Background

In recent months, Council has received a request by a media representative to record the proceedings at an Ordinary Council Meeting. This report is to outline the current provisions of Council's Meeting Procedure Local Law No. 9 and also to provide information to Council on current trends in Victorian local government on the recording of proceedings at Council meetings.

Proposal

Meeting Procedure Local Law No. 9

Council's Meeting Procedure Local Law No. 9 in Part 11 deals with the recording of Council meetings. It says:

PART 11 PROVISIONS TO RECORD COUNCIL MEETINGS

11.1 Webcasting and Recording Proceedings

- a) *The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may conduct electronic broadcasting by any means of the proceedings of the Council Meeting.*
- b) *The Chief Executive Officer (or other person authorised by the Chief Executive Officer) may also otherwise record all the proceedings of a Council or Special Committee Meeting using a suitable electronic recording device.*
- c) *Recordings will be retained and available to the public for viewing or listening for a period of three (3) months from the date of the meeting.*
- d) *Media representatives may, with the consent of Council or the Special Committee (as the case may be), be permitted to record any part of the proceedings of the Council or Special Committee Meeting. The consent of Council or the Special Committee must not be unreasonably withheld, but may be revoked at any time during the course of the relevant meeting.*
- e) *Members of the public must not operate recording equipment at any Council or Special Committee Meeting without the prior written consent of Council. Such consent may be given only after receipt of a written application and may at any time during the course of such meeting be revoked by Council or the Special Committee as the case may be.*

This local law gives Council the ability to allow or disallow the media and the public to record Council meetings or Special Committee meetings.

It is recommended that, in principle, on written request by a media representative or by a member of the public, that Council allow audio recording of the section of Council meetings and Special Committee meetings that is open to the public.

If Council adopts this position, it is considered prudent that it generate its own audio recording of Council meetings and Special Committee meetings. Council will note that Section 11 of the local law also covers Council's own recording of Council meetings and Special Committee meetings. It can also choose electronically broadcast the proceedings of Council meetings.

Council meetings in Council Chambers at Ballan have in past years been recorded. Meetings at other venues have not as the recording equipment is not portable.

If Council is to record its Council meetings and Special Committee meetings it needs to be able to do so at any venue it chooses to meet. It is proposed that an investigation into a suitable portable audio recording system be conducted and a report brought back to a future meeting of Council.

This recommendation to investigate the audio recording of Council meetings and Special Committee meetings is, on balance, supported by the Victorian Ombudsmans Report- *Investigation into the transparency of local government decision making - December 2016*.

The Victorian Ombudsman, just prior to Christmas 2016, released this report. This report had the following Terms of Reference:

The terms of reference for the investigation were to consider council actions that ensure decision making is transparent and balanced against the need for efficiency and any specific obligations to maintain confidentiality. The areas of focus were:

- *the closure of council meetings and special committee meetings to the public*
- *the handling of confidential matters*
- *the nature and quality of audio and visual records of meetings and the public's ability to access records*
- *the scope and exercise of delegated council functions/powers and administrative actions; and the reporting of these to council and the public*
- *the nature and content of information discussed in 'assemblies of councillors'.*

[Page 12]

Council will note that the report deals in part with the audio and visual recording of meetings. On Page 50 of the report it says:

200. Council responses to the survey show that the record keeping practices for council meetings in Victoria vary. All councils keep minutes of their meetings, as required by the Local Government Act. Some also keep audio records or audio-visual records, but not

all release these recordings to the public. A smaller number of councils provide immediate access to their ordinary council meetings by live streaming and radio.

Table 3 of the report, starting on Page 52, sets out the results of the Ombudsmans survey on record keeping. It reports on the Victorian Councils that take minutes, create an audio recording, create a visual recording and livestream their meetings. It shows that of the 79 Victorian Councils:-

- 43 Councils audio record their Council meetings;
- 10 Councils video record their meetings; and
- 10 Councils live webstream their meetings.

Table 4 of the report, starting on Page 54, deals with the release of information from Council meetings to the public. It shows that of the 79 Victorian Councils:-

- 16 Councils release audio of Council meetings on their website;
- 11 Councils release audio of their Council meetings for inspection at their office;
- 9 Councils release video of Council meetings on their website; and
- 5 Councils release video of their Council meetings for inspection at their office.

The Ombudsman's report on pages 58 and 59 specifically discusses audio and visual recording of Council meetings. These pages are reproduced below in full:

Audio and Visual Recordings

217. While there is no statutory requirement to do so, a growing number of councils audio record or audio-visually record their meetings. While 43 councils audio record their ordinary meetings, only 16 make the recordings available to the public on their websites. Fourteen of these 43 indicated in their survey responses that they delete recordings after the minutes of meetings have been confirmed. Two said they do not publish audio recordings on their websites, but charge fees (\$15 and \$20 respectively) to members of the public who request a copy.

Why some councils maintain audio- visual records

218. Evidence obtained from the survey and interviews with witnesses identified a variety of benefits of audio or audio- visually recording council meetings:

- *to provide the public, including those unable to attend meetings in person (e.g. due to other commitments or geographical location), with access to decision making by the council*
- *to encourage wider community involvement in council meetings*
- *to assist in the preparation of complete and accurate minutes*
- *to verify minutes where specific issues of accuracy are raised*
- *to provide transparency and accountability*
- *to reduce the need for voluminous minutes*

- *to deter unprofessional behaviour and increase the quality of debate*
- *to ensure local media reporting of what happens in meetings is 'a little bit more honest'.*

219. *Witnesses from councils that do have audio or audio-visual recording in place were generally positive about the practice, even though viewer numbers were not necessarily high.*

The Deputy Mayor of the Alpine Shire Council said:

I was actually surprised who listens and watches it to tell you the truth. Someone came up to me the other day and said, "Oh, that's great. I watch it."

[I asked] "Why do you watch it?"

[He said] "I watched the question time." And I never would have thought that this resident would even think about getting online and watching it. So, people really like it.

220. *The Mayor of Cardinia Shire Council said:*

I know for some of our senior residents they like it [audio recording] because they couldn't probably get to meetings and, you know, I don't think we're smashing the airways by millions of people listening to us. It might be good to go to sleep to. But I think in just having it, it shows anyone in the public that we're not afraid if you're not here listening, we're not afraid for you to know what we've said.

221. *The CEO of Maroondah City Council said:*

[T]he way I approached it [at a non- metropolitan council I previously worked for] because of the nature of the ... disparate communities and so on, the idea of having that as a record of the way in which the discussion's occurred, the manner in which it was dealt with, the fact that people had little opportunity to attend personally meant that there was value in doing that for them. Whether they took it up or not is another matter. In the metropolitan area ... accessibility is not such an issue.

Why some councils do not maintain audio-visual records

222. *This investigation also identified a range of reasons why councils may be choosing not to keep audio or audio-visual recordings. These were:*

- *the costs associated were not worth the perceived benefits*
- *a lack of interest from the community*
- *poor acoustics in the council building*
- *an inability to install equipment due to the heritage status of the council building*
- *it would be an impediment to robust debate as councillors may self-edit to prevent themselves looking foolish*
- *it could lead to grandstanding by councillors, which could detract from issues*

- *the risk of offensive remarks by councillors being recorded and causing the public to lose respect for councillors and the council*
- *legal risks to council posed by defamatory remarks by councillors or members of the public.*

Cost and technology

223. *In survey responses, a number of councils, particularly smaller ones, referred to the venues being unsuitable for recording, or the prohibitive costs of technology. However, evidence from councils about the type of technology which can be used and the costs involved shows there are a range of options available. Some councils indicated the cost of setting up audio-visual recording and livestreaming can be in excess of \$40,000. However, recording audio only for podcasting or uploading to the council's website after the meeting can be much cheaper.*

224. *The Governance Manager at Cardinia Shire Council advised that it previously webcasted its meetings but discontinued this due to a lack of insurance for defamation. He said council has now moved to podcasting council meetings, which was much more cost effective.*

He estimated the cost of setting up the podcasting system to have been approximately \$2500, with minimal ongoing costs. However, he noted that when the council held meetings at locations other than council offices (to facilitate accessibility for community members in different parts of the municipality) the cost of recording the meeting significantly increased as the council needed to engage a professional to make the off-site recording.

Practice example: Alpine Shire Council – Recording and livestreaming of meetings

Alpine Shire Council livestreams its ordinary council meetings and publishes the recordings on its website. At interview the CEO said the council had initially obtained a quote for a new audio system for between \$20,000 and \$25,000. However, he said:

We bought an audio system that was [\$1300] on Ebay from a [council in another state] ... that is the only way that we could actually introduce [it]

... [T]here's many shire councils that I understand are spending thousands of dollars on recording a meeting. We have a \$1300 total cost installation camera in there, that we press the button on an iPad and it streams to YouTube.

... Metro councils, some are spending thousands of dollars per meeting, it's like YouTube is there ... It's a great archive, people know how to use it, this costs us nothing.

... [W]e record two ways. We record ... live to YouTube but we also have a localised [short-term] backup here.

Offensive behaviour and defamation

225. *Debate is part of the decision making process during council meetings. However, if elected representatives make personal comments that harm another person's reputation during debate, they may risk action being taken against them for defamation. One reason identified for not publishing audio-visual records was the perceived risk that councillors could make defamatory comments during meetings and that publication of recordings of those meetings may subject the council to the legal risk of a defamation action.*

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community.
Objective	Good governance through open and transparent processes and strong accountability to the community.
Strategy	Ensure policies and good governance are in accordance with legislative requirements and best practice.

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

No financial implications at this stage but there may be financial implications in the order of \$20,000 to \$30,000 if the Council chooses to purchase a suitable system for the audio recording of meetings. This will be the subject of a further report.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Nil.

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 – John Whitfield

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

Conclusion

The trend of Victorian local government towards greater transparency at its meetings means that a recommendation to facilitate the recording of Council meetings by Council, the media and the public subject to Council's Meeting Procedure Local Law No. 9 is now presented to Council for its consideration.

In order to facilitate the process of replying to requests by the media and the public to record meetings, it is recommended that the Chief Executive Officer be authorised to reply to requests on behalf of Council. Further, the CEO will advise Councillors to whom consent to record meetings has been granted.

It is also recommended that Council investigate the purchase of a suitable recording system for its own purposes and that the results of this investigation be brought back to a future meeting of Council.

At this further meeting of Council, consideration of other matters such as whether to release audio recordings of Council meetings and how long to hold recordings of Council meetings will be addressed, noting that these matters are dependent on Council determining to proceed with audio recordings in the first place.

Resolution:

Crs. Bingham/Keogh

- 1. That the Chief Executive Officer be delegated the authority to reply to requests by the media and the public to record Council meetings and Special Committee meetings subject to the terms and conditions of the Meeting Procedure Local Law No. 9 and that the Chief Executive Officer advise Councillors to whom consent to record meetings has been granted or refused.***
- 2. That Council approves an investigation into a suitable portable audio recording system be conducted and that a report be brought back to a future meeting of the Council.***

CARRIED.

Report Authorisation



Authorised by:

Name: Satwinder Sandhu
Title: General Manager Growth and Development
Date: Tuesday, 24 January 2017

10.2.5 Second Quarter (September – December) Report – 2016/17 Council Plan Actions

Introduction

File No.: 02/02/002
Author: John Whitfield
General Manager: Satwinder Sandhu

Background

The 2013-2017 Council Plan was revised and adopted by Council in June 2016. As part of the development of the framework of the Council Plan, Council determines appropriate actions which will support the framework, delivering agreed outcomes for the Community.

The Council Plan outlines three key result areas (KRA) or main themes that guide new initiatives and continuing services these being:

- Representation and leadership of our community;
- Community Wellbeing; and
- Enhanced infrastructure and Natural and Built Environment.

Each KRA has a set of strategic objectives or desired outcomes with sets of strategies to be undertaken over the planned 4 years to achieve the objectives.

All Council actions aligned with the strategies are linked back to the Council Plan. The Council Plan is reviewed annually.

Discussion

The attached 2016/17 Council Plan Actions Second Quarter Progress Report indicates each of the actions and their progress comments for the 2016/17 Financial Year. Overall there are 32 actions with 24 actions having reached 90% or greater of their target for the October-December period, with 3 actions having achieved between 60 and 90% of target. Five actions remain at less than 60% of their target as the majority of work for these actions is scheduled to be completed in later quarters.

The following table summarises the status of the 2016/17 Council Plan Actions for this quarter:

Key Result Area	Not Started	In Progress	Deferred	Completed this Quarter	Completed YTD (incl this Qtr)	Total
1 Representation and Leadership of our Community	3	4		0	2	9
2 Community Wellbeing		2		0	2	4
3 Enhanced Infrastructure and Natural Built Environment		16		2	3	19
Totals	3	22	0	2	7	32

Proposal

This report is to inform Council and the community on the progress of key Council Plan actions for the 2016/17 Financial Year.

Policy Implications

The 2013–2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our community.
Objective	Effective strategic and business planning for a growing community.
Strategy	Develop service plans consistent with Business Excellence principals that reflect systems thinking and value for the community.

Financial Implications

There are no financial implications from this report.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

Specific projects may have 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.

General Manager – Satwinder Sandhu

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

Author – John Whitfield

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

Conclusion

Council is making good progress in all areas of the Council Plan for this second quarter. Overall there are 32 actions with 24 actions having reached 90% of their action target for the September-December period, with 3 actions having achieved between 60 and 90% of target. The 5 remaining actions are sitting below 60% of target as the majority of work to be undertaken on these actions will be performed in later quarters.

Resolution:

Crs. Sullivan/Dudzik

That Council receives the Second Quarter (October - December) 2016/17 Council Plan Actions Progress Report.

CARRIED.

Report Authorisation

Authorised by:

Name:



Title:

General Manager Growth and Development

Date:

Tuesday, 24 January 2017

10.3 SOCIAL AND ORGANISATIONAL DEVELOPMENT

10.3.1 Moorabool Health and Wellbeing Plan

Introduction

File No.: 12/01/001
Author: Dawn Tschujasehenko
General Manager: Danny Colgan

The purpose of this report is to seek the endorsement of the Council of the proposed scope and methodology for the development of the Moorabool Public Health and Wellbeing Plan 2017-21.

Background

Under Section 26 of the Public Health and Wellbeing Act 2008, Local Councils are required to develop a Municipal Public Health and Wellbeing Plan within 12 months of a Council Election. Section 26 (2) of the Act stipulates that the Municipal Public Health and Wellbeing Plan must:

- a. include an examination of data about health status and health determinants
- b. identify goals and strategies based on available evidence for creating a local community in which people can achieve maximum health and wellbeing
- c. provide for the involvement of people in the local community in the development, implementation and evaluation of the public health and wellbeing plan
- d. specify how the Council will work in partnership with the Department and other agencies undertaking public health initiatives, projects and programs to accomplish the goals and strategies identified in the public health and wellbeing plan
- e. be consistent with the Council Plan prepared under section 125 of the Local Government Act 1989 and the Municipal Strategic Statement prepared under section 12A of the Planning and Environment Act 1987.

In preparing a Municipal Public Health and Wellbeing Plan, Council must:

- a. have regard to the State Public Health and Wellbeing Plan prepared under section 49
- b. review its Municipal Public Health and Wellbeing Plan annually and, if appropriate, amend the municipal public health and wellbeing plan. (5) Despite subsection (2)(c), a Council is not required to provide for the involvement of people in the local community when reviewing or amending a Municipal Public Health and Wellbeing Plan under subsection (4).
- c. provide a copy of the current Municipal Public Health and Wellbeing Plan to the Secretary
- d. make the Municipal Public Health and Wellbeing Plan available for inspection by members of the public at the places at which the current Council Plan must be available under section 125(11) of the Local Government Act 1989.

The Moorabool Public Health and Wellbeing Plan is a key part of Council's Integrated Planning and Delivery Framework. The Health and Wellbeing Plan is informed by and will inform Moorabool 2041. The Health and Wellbeing Plan informs the Council Plan and other strategies and policies to ensure that they relate to the health and wellbeing priorities of the Shire. This ensures that the health needs of residents are promoted and represented across Council's planning and delivery framework.

Scope

The 2017-2021 Moorabool Health and Wellbeing Plan ("the Plan") will identify key priorities, strategies and actions to enhance community health and wellbeing across the Shire for the next four years.

A partnership approach was adopted in the development and implementation of the current Plan (2013-2017 Health and Wellbeing Plan) and will be embraced once again for next cycle of planning. This partnership model has been key to the success of the existing plan and involves key organisations committing to working together with Council to identify and seek to address key health and wellbeing issues in Moorabool.

The Plan will be underpinned by the environments of health framework and will align with indicators from the Victorian Public Health and Wellbeing Plan Outcomes Framework. This approach will result in the development of a best practice, evidence based plan that is representative of community need and one which sets realistic, achievable goals with sustainable outcomes.

A key aspect of the project is the convening of the Health and Wellbeing Committee chaired by Cr. Tatchell and comprising internal and external stakeholders identified as having high interest/high influence in the development and implementation of the plan. As with the 2013-17 Plan, it is intended for this group to continue once the Plan has been developed to support, drive and monitor the implementation of the four year plan.

The role of the Health and Wellbeing Committee during the development of the plan will be to:

- Provide input into and support the community engagement activities
- Contribute to the identification of key health issues and interventions
- Contribute to the identification of key priority areas identified through the community engagement process
- Contribute to the development of key strategies and actions to address the Health and Wellbeing Priorities for Moorabool.

The role of the Health and Wellbeing Committee during the implementation of the four year plan will be to:

- Monitor and report on the progress of agreed actions by each stakeholder as set out in the Action Plan
- Contribute to annual reviews of the Action Plan
- Take part in the evaluation of the plan to be completed in the final year of implementation to inform the preparation of a new four year plan

Methodology

The development of the plan will involve a four phase process with key hold points to provide an opportunity to analyse feedback, present findings and report progress to the Council. A flow Chart of the proposed methodology is contained in Attachment 10.3.1 and has been developed to illustrate the key phases and hold points. These include:

Phase One: Project Mapping

- Preparation of a Project Plan
- Establishment of an Internal Working Group
- Development of Community Engagement Plan including stakeholder analysis and engagement methodology

Phase Two: Partnership Model and Community Engagement

- Convening of the Health and Wellbeing Committee (key stakeholders)
- Development of a Health Profile
- Undertaking community engagement activities

Phase Three: Identification of Priority Areas and Strategies

- Presentation of the outcomes of engagement activities
- Identification of key priority areas
- Development of strategies to address identified priority areas

Phase Four: Draft and Final Plan

- Preparation of a Draft Plan and Final Plan based on engagement outcomes and collaboration with the Health and Wellbeing Committee reflecting the key priority areas and agreed strategies
- Preparation of an Action Plan

Community engagement activities for the development of the Plan will be undertaken in conjunction with consultation around the Council Plan. This will maximise involvement by stakeholders and the community, minimise the risk of engagement fatigue and ensure that the Plan is consistent with the Council Plan.

The Plan will also be aligned to the goals and desired outcomes from related Council strategies.

Policy Implications

The 2013-17 Council Plan provides as follows:

Key Result Area	Community Wellbeing
Objective	Community self-reliance and resilience.

Strategy

Undertake social, health and recreation planning that increases our understanding of the needs of our communities now and into the future and articulates the role of Council.

The proposed scope and methodology for the development of the Plan is consistent with the 2013-2017 Council Plan and is identified as a key priority action.

Financial Implications

The development of the Plan, including comprehensive community engagement activities, Community Development and Community Engagement Officer time will be provided within existing budgets.

The development of the Plan will identify strategies and actions for the next four years to be undertaken in collaboration with partner agencies. Each action identified in the action plan will be costed. The Health and Wellbeing Committee will inform the development, implementation, monitoring, reviewing and evaluation of the plan (in accordance with statutory obligations). Officer support will be required to facilitate this process.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
People	Low level of community interest	Medium	Undertake consultation in line with Council Community Engagement Policy and Framework
Financial	Inadequate resources to support the implementation of the plan	Low	Partnerships resulting in-kind contributions. Secured additional resources to support implementation of the plan through establishing project linkages
Safety	Injury occurring at engagement opportunity	Medium	All engagement activities will be carried out in line with Risk Management Policy and Procedures
Regulatory	Plan doesn't meet statutory obligations	Medium	Project Plan, adequate resourcing and timelines

Communications and Consultation Strategy

A Community Engagement Plan will be prepared in line with the Moorabool Shire Community Engagement Policy and Framework. The Engagement Plan will ensure that in depth stakeholder analysis is undertaken and engagement activities are tailored to the needs of each stakeholder group including children, young people, aged and people with disabilities, commuters, sports groups, Health and Welfare Service Providers, community organisations and interest groups.

Community Engagement will be staged with 'hold points' to compile and analyse data and report back on how input influenced the decisions made. Stakeholders will be provided with an engagement map at the outset of the project, setting out timeframes and opportunities to engage.

Progress reports will be provided to the Council at key stages of the project.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Dawn Tschujasehenko

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

Conclusion

Council is required under the Health and Wellbeing Act 2008, to develop a Health and Wellbeing Plan within 12 months of a Council Election. The scope and methodology for the Moorabool Health and Wellbeing Plan proposes a comprehensive process to deliver the plan within the required timeframes. It highlights a partnership, evidence based approach in the development of a plan that will be representative of community needs and aspirations, with meaningful priorities and realistic, achievable strategies and actions. The scope and methodology outlines how the communities of Moorabool will be involved in the development of the plan, as well as how the plan will be implemented, monitored, reviewed and evaluated into the future.

Resolution:

Crs. Sullivan/Keogh

That Council endorse the Scope and Methodology for the development of the Moorabool Public Health and Wellbeing Plan (2017-2021).

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Tuesday, 24 January 2017

Consideration of Presentation - Leisure Services In-House Modelling Project

Ms. Bronwyn Doyle addressed Council in relation to the Leisure Services In-House Modelling Project.

Ms. Helen Cotter addressed Council in relation to the Leisure Services In-House Modelling Project.

The business of the meeting then returned to the agenda.

10.3.2 Leisure Services In-House Modelling Project

File No: 17/02/002
Author: Ian Waugh
General Manager: Danny Colgan

The purpose of this report is recommend that the Council operate its Leisure and Aquatics facilities in house from 1 July 2017.

Introduction

The Ordinary Meeting of Council held on the 3 June 2015 considered a confidential report regarding the management and operation of Moorabool Leisure Facilities.

At the meeting, the Council determined to award the management and operation contract to Belgravia Leisure for a 2 year period. The management contract for Moorabool Leisure Facilities concludes on the 30 June 2017. The Council also asked officers to prepare a further report investigating viable options for Council to operate the contract in-house from 1 July 2017.

Background

In accordance with the resolution of Council of the 3 June 2015, an investigation into the viability of the Council operating its Leisure and Aquatics Facilities has been undertaken.

The scope of the review involved the investigation of:

- The cost benefits of Council managing the facilities in-house.
- What should the service model look like?
- What services should Council operate and what should be operated by the private market.
- How can the service be more effective and efficient?

A range of alternate management options were identified and assessed by Consultants in a report in 2015. This review built on and updated the 2015 work with specific reference to required management structure, anticipated income, expenditure, the cost to Council of providing the service and the required timeline to implement the transition to the in-house model.

The facilities included in the review are:

- Bacchus Marsh Outdoor Pool,
- Ballan Outdoor Pool,
- Bacchus Marsh Leisure Centre Sports Courts and Multi-Purpose Space (Health Club excluded),
- Indoor Sport Stadium at the Darley Civic Community Hub.

Proposal

A review undertaken by SGL consultants (2015) identified and assessed four options for the future management and operation of the Moorabool Major Leisure Facilities.

The assessment identified the cost of each option, implementation timeline and required management structures. The assessment also identified potential changes to service levels that could improve the financial sustainability of the facilities whilst maintain access to quality services and programs.

The report into the viability of in-house operation of Council's Leisure and Aquatic Facilities is contained in **Attachment**. The report outlines the business assumptions, financial modelling, future financial forecasts and staffing implications for the new operating model.

In determining the preferred option for Council, Officers have used the data provided by SGL Consultants (2015 review) and additional industry information obtained more recently (Western Leisure, Momentum One and EBA discussions) to conclude that option 4: a Hybrid Model is the recommended option for Council to adopt.

The 4 identified options are:

1. **Contract management** – as per existing arrangement. The current contractor has indicated that the contract cost is likely to increase substantially in future years. This will increase the costs to Council whilst service levels are reducing.
2. **Direct Council Management** of **all** elements of the facilities – this included the Council directly employing the staff and operating the facilities and delivering the programs and services at the Bacchus Marsh Leisure Centre, Ballan Outdoor Pool, Bacchus Marsh Outdoor Pool and the Darley Civic Community Hub Indoor Sports Stadium. This model provided a direct comparison of service levels as those specified in the current contract.
3. **Direct Council Management** of the **outdoor pools** and **gym at the Bacchus Marsh Leisure Centre** and **licensing** of the **indoor courts** (Bacchus Marsh Leisure Centre and Darley Civic Community Hub Indoor Sports Stadium) to key user groups i.e. basketball, netball and gymnastics. This option also includes a reduction in the opening hours of the outdoor pools previously approved by Council for the 2015/16 season.

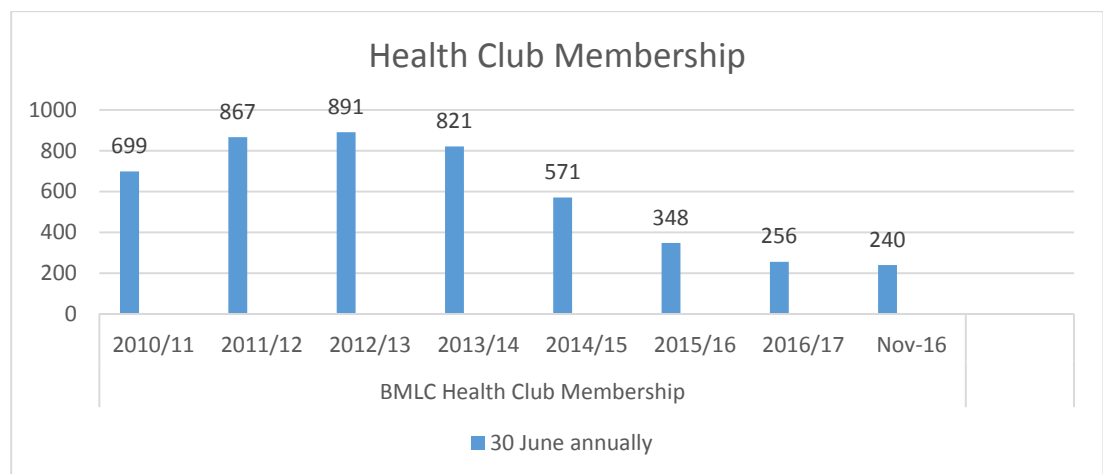
4. **Hybrid Model** of direct **Council Management** of pools, **licensing** the management and operation of indoor courts to key user groups and **leasing** the health club (gym) to a commercial operator. This option also includes the reduced opening hours of the outdoor pools.

A review of health club revenue over the past six year's shows that income is declining whilst operating expenditure for the health club has increased considerably. For Council to establish a like for like service provision, significant investment will be required including equipment and IT for the space as all equipment and IT and point of sale infrastructure is currently provided by the contractor.

The decline in membership has continued since 2012/13 and shows no signs of abating. During this period there has been an increase in other providers entering an already competitive market.

Feedback from departing members' highlights inadequate and ageing equipment, condition of facilities, lack of group fitness room and location/access of gym as major deterrents to membership renewal. To address the decline significant investment would be required to gym equipment and facilities. There would be no guarantee of generating a return on the level of investment required simply to maintain the existing low membership base.

Membership of the Health Club and Gym has declined substantially over the past 6 years.



Leasing the health club component enables Council to plan operational revenue and expenditure streams with more certainty and therefore have greater control over ongoing financial management, whilst still providing a health club facility for the community should there be a demand in the market and interest from operators.

Participation levels in the group fitness programs has also continued to decline despite Council subsidising the operation of the programs. Current participation and financial performance shows that these programs are not sustainable at the centre.

It is therefore recommended that the space for the operation of the current Health Club at BMLC be leased to an external operator. With the increased gymnasium and group fitness competition operating within the Bacchus Marsh market, it is suggested that this component of the current BMLC operations is best suited to an external operator to provide from the space via a lease arrangement.

Whilst removing this activity from the business model results in lower overall income/revenue generation for the facilities, this can largely be offset by return offered by a lease arrangement. Should there be no demand from an external operator Council could review use of the space and make it available for other activities operated via the Network or other external providers.

A further option that Council may also consider is winding down or closure of the outdoor pools due to ongoing issues with ageing infrastructure and declining attendance numbers.

If this option was considered, alternative arrangements regarding provision and access to other aquatic facilities (i.e. transport to Melton Waves) or alternate facilities within Moorabool (e.g. Development of local splash parks) would require investigation. No financial modelling has been undertaken for this option at this stage.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Community Well Being
Objective	Increase and encourage participation in a range of sport, recreation and leisure activities
Strategy	Promote community health and well-being through the provision of recreation facilities, open space, programs and activities

Financial Implications

The report outlines the current and future costs associated with the management and operation of the Leisure facilities contract. The cost to Council is approximately \$512,000 for the 2016/17 financial year. The contractor has indicated that the contract cost is likely to increase over the coming years which places significant financial pressure on Council and raises serious questions about the financial sustainability of the facilities.

The investigation has identified the projected year one operating loss for the in-house management model would be in the order of \$315,861. This is projected to increase annually to \$412,126 by the 10th year. This would represent a potential saving to Council of between \$206,000 and \$267,000 in the first year of operation.

Councils 2016-17 and 2017-18 Budgets include approximately \$400,000 for capital upgrades at Bacchus Marsh and Ballan outdoor pools.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Political & Reputational	Health Club members and general users may	Possible	Ensure reasons for the review and outcomes are clearly and directly communicated with all affected individuals
Financial	Forecast revenues and expenditures may vary due to reduction in demand	Possible	Detailed budgets to be developed and financial performance monitored closely

Communications Strategy

Once a decision has been formalised by Council on the future management and operation of the facilities a full engagement process will be developed existing health club members to assist them to understand the rationale for not continuing direct operation of the gym and group fitness programs.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Danny Colgan

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

Author – Ian Waugh

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

Conclusion

Officers have assessed that an in-house management model is feasible and sustainable. The in-house model provides an opportunity to reduce the overall operational costs associated with the management of the facilities when compared to the current (and potential future) contract costs, and increase Councils level of day to day control over the facilities.

This review recommends that Council implements the Hybrid Management Model that would include the following elements: council directly managing the outdoor pools (continue to operate under the revised temperature policy); licensing the indoor sports courts to the key user groups at the Bacchus Marsh Leisure Centre and the Darley Civic Community Hub Indoor Sports Stadium; council would directly program court time/space not required by ongoing users to increase utilisation; discontinue operation of the health club (including Group Fitness Program) and lease the gym space to an external operator (if an operator is unable to be identified Council would directly program use of the space in collaboration with other community providers and stadium users); and council directly operating the kiosk facilities at Bacchus Marsh Leisure Centre and both outdoor pools.

The hybrid model has been used as the basis of the financial forecasting used to develop the operational budgets for each facility and the staffing structure required to operate the in-house management model.

Recommendation:

That the Council effective from 1 July 2017:

- 1. Directly manage the Bacchus Marsh and Ballan outdoor pools under the revised temperature policy.**
- 2. License the use of the Indoor sports courts to the key user groups at the Bacchus Marsh Leisure Centre and the Darley Civic Community Hub Indoor Sports Stadium.**
- 3. Directly program court time/space not required by ongoing users to increase utilisation.**
- 4. Discontinue operation of the health club (including Group Fitness Program) and Lease the gym space to an external operator (if an operator is unable to be identified Council directly program use of the space in collaboration with other community providers and stadium users)**
- 5. Directly operate the kiosk facilities at Bacchus Marsh Leisure Centre and the Bacchus Marsh and Ballan Outdoor pools.**
- 6. Formally advise Belgravia Leisure of the Council's decision to operate its Leisure and Aquatics Facilities in-house at the conclusion of the current contract on the 30 June 2017.**
- 7. Formally thank Belgravia Leisure for their service and professional approach to managing the facilities under contract.**
- 8. Review the operation of the outdoor pools following the 2017/18 season and develop a long term strategy for a) improving the viability of the outdoor pools or b) closure of the pools and identification of alternate approaches for operation of the facilities.**

Resolution:**Crs. Bingham/Dudzik**

1. ***Directly manage the Bacchus Marsh and Ballan outdoor pools under the revised temperature policy.***
2. ***License the use of the Indoor sports courts to the key user groups at the Bacchus Marsh Leisure Centre and the Darley Civic Community Hub Indoor Sports Stadium.***
3. ***Directly program court time/space not required by ongoing users to increase utilisation.***
4. ***Lease the Gym to an external provider of Gym and/or group fitness services. If an external operator cannot be found Council will, after formal consultation with the community, provide a further report to Council on other options for this space.***
5. ***Directly operate the kiosk facilities at Bacchus Marsh Leisure Centre and the Bacchus Marsh and Ballan Outdoor pools.***
6. ***Formally advise Belgravia Leisure of the Council's decision to operate its Leisure and Aquatics Facilities in-house at the conclusion of the current contract on the 30 June 2017.***
7. ***Formally thank Belgravia Leisure for their service and professional approach to managing the facilities under contract.***

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Social & Organisational Development
Date: Friday 27 January 2017

10.4 INFRASTRUCTURE SERVICES

10.4.1 Bacchus Marsh Depot Security

Introduction

Author: Phil Jeffrey
General Manager: Phil Jeffrey

Background

Numerous break ins have occurred at the Bacchus Marsh depot in recent years, with occurrences becoming more frequent in recent months. There have been at least 15 incidents in the last two years with 5 of these since last November. Each incident has had a financial implication for Council due to unrecovered plant and equipment, insurance shortfall, damage to Council property and significant down time while police attend and investigate.

Several potential security upgrades have been identified to assist in improving security at the site and reducing those out of pocket expenses.

This report outlines the issues associated with the recent break ins and seeks Council's approval for an over expenditure of the 2016/17 budget to bring forward security improvements at the depot.

Proposal

Recent break ins at the Bacchus Marsh depot site have resulted in the theft of both major and minor plant and equipment, as well as damage to Council property. Major items stolen have included a tractor and slasher (never recovered), water truck, chipper and minor items such as trailers, pressure washers, small equipment, tools and damage to fencing, vehicles and property. In recent years it is estimated that in excess of \$250,000 of lost property and/or damage has been incurred. Although some of this plant has been able to be recovered, damage to property, costs associated with insurance and substantial down time for staff have resulted in significant out of pocket expenses to Council.

Existing security measures at the site include building alarms and CCTV and chain mesh fence and gates. The existing measures are deemed inadequate as in most instances, we only become aware of an incident the next working day when staff arrive.

Given the recent history and seeming increasing trend, a number of options to increase security have been investigated. Such treatments include:

- Replacement of the chain mesh entry gates with a mechanical sliding steel security gate
- Installation of steel beam guard fence inside the existing chain mesh fence
- Upgrade of alarms and access to RFID key (fob) readers.
- Installation of additional security/sensor lighting and lasers
- Upgrade of CCTV and alarm system, including live monitoring

A New Initiative has been prepared for consideration as part of the 2017/18 annual budget, however given the recent increase in incidents, it is proposed that security upgrades be brought forward. It is estimated that \$60,000 to \$70,000 is required to implement the security improvements.

It is envisaged that improving security at the site will help deter further incidents, make it harder to access the site and enable security staff or police attend if a break in is detected through live monitoring. However, it is unlikely to eliminate break ins all together. The upgrades are intended to improve the overall security at the site, reduce the likelihood of further break ins resulting in theft and/or damage and increase the likelihood of recovery of stolen items and/or prosecution of offenders. In turn, it is expected that the out of pocket expenses to Council and down time for staff would reduce.

In addition to depot security, GPS technology is being explored for Council vehicles and plant.

Policy Implications

The 2013 – 2017 Council Plan provides as follows:

Key Result Area	Representation and Leadership of Our Community
Objective	Professional and skilled staff in a safe and supportive environment
Strategy	Provide a safe and effective work environment

The proposal is consistent with the 2013 – 2017 Council Plan.

Financial Implications

Whilst existing maintenance budgets may be able to accommodate some of the expenditure. An overspend of the 2016/17 maintenance budget up to \$60,000 is likely should the proposal be approved.

However, should the proposal not proceed, the table below outlines a scenario of the break in involving a stolen tractor:

Item	Estimated Cost
Replacement tractor after insurance	\$70,000
Hire of interim plant (3 months)	\$30,000
Damaged equipment – ute toolboxes	\$750
Damaged fencing and gates	\$500
Staff downtime while police attending	\$350
Staff time reviewing CCTV, insurance forms, police reports etc	\$750
Total	\$102,350

Every incident is different in severity however the above shows that there is significant potential cost to each break in. Even if nothing is stolen, it is estimated that each event would have a minimum cost of \$5,000 in staff time and repairs. It is estimated that in excess of \$250,000 of lost property, asset damage and downtime has been incurred in the last 18 months.

Therefore, it is considered that the proposed \$60,000 over expenditure is warranted to help deter further incidents and the associated expense.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial	Further break ins resulting in out of pocket expenses to Council (theft, damage, insurance)		Implement additional security measures at the depot site
OH&S	Further break ins posing safety and security risks to staff		Implement additional security measures at the depot site

Communications and Consultation Strategy

There is no external communications strategy associated with the recommendation within this 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.

General Manager – Phil Jeffrey

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

Author – Phil Jeffrey

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

Conclusion

A number of break ins at the Bacchus Marsh depot have occurred in recent years, with occurrences becoming more frequent in recent months. Each incident has had financial implications for Council with out of pocket expenses being incurred.

It is recommended that Council authorise an over expenditure of the 2016/17 maintenance budget, to bring forward improvements to security at the Bacchus Marsh Depot.

Resolution:

Crs. Sullivan/Keogh


That Council:

1. ***Notes the increased security issues and associated damage to and loss of property being experienced at the Bacchus Marsh Depot site.***
2. ***Authorises an overspend of the 2016/17 maintenance budget up to \$60,000 to implement security upgrades at the site.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey 
Title: General Manager Infrastructure
Date: Tuesday, 24 January 2017

10.4.2 Quarterly Financial Report December 2016

Introduction

File No.: 07/01/004
Author: Steve Ivelja
General Manager: Phil Jeffrey

This Quarterly Report covers the period of 1 September 2016 to 31 December 2016. The report outlines the year to date financial position of Council and forecast projections for the full year results.

The forecast result at the end of the financial year is an increase in the surplus by \$0.303m. Please refer to the attached report for a detailed review of the financials.

Background

Under section 138 – Quarterly Statements, of the Local Government Act (1989), Council is to receive a quarterly report on progress against the adopted budget.

Proposal

That Council receives the Quarterly Report – December 2016.

Policy Implications

The adoption of the Quarterly Report – December 2016 meets Council's statutory obligations under section 138 – Quarterly Statements of the Local Government Act (1989).

The 2014-2018 Council Plan provides as follows:

Key Result Area	Representation and Leadership of our Community
Objective	Sound, long term financial management
Strategy	Develop and maintain a long term financial planning, management and reporting system, which ensures resources to deliver services and manage Council's assets.

Amended Budget

Generally, at the end of the financial year it is not uncommon for projects (both Capital projects and Operating projects) to be incomplete. This can happen for a number of reasons, such as delays in construction due to weather or other events, deferral of projects due to operational matters, late receipt of government funding for one off projects, lack of internal resources to complete one off new initiatives due to staff turnover etc.

Throughout this report Council will be reporting on the Amended Budget rather than the Adopted Budget. The Amended Budget contains carry forwards from the 2015/16 financial year. These include grant funded one off projects, Council approved New Initiatives from prior years that are not yet complete, and incomplete/deferred capital projects. The following schedule provides an overview at a high level of the items that have been added to the Adopted Budget to arrive at the Amended Budget.

Impact on Cash on hand

Based on the aggregate of both the Operating Budget and Capital Budget carry forward, plus other adjustments, a sum of \$5.826m in cash will be required to fully fund the requirements of the Amended Budget. These are made up of the following:

Net Operating Budget Carry forwards	\$1.135m
Net 2015/16 CIP Carry Forwards	\$5.588m
Sale of Council Land	(\$0.940m)
Other	<u>\$0.042m</u>
Total cash required	\$5.826m

As at the 30 June 2016, Council held \$12.452m in cash and cash equivalents. Cash holdings were high in part due to the impact of these uncompleted projects.

Operating Budget

The net effect on the Operating Budget is a favourable variance of \$2.842m.

Net Operating Surplus in the Adopted 2016/17 Budget	\$8.494m
Net New Initiatives / Grant Funded Projects	(\$1.135m)
2015/16 Carry Forward Capital Grants	\$4.090m
Net Result of Sale of Council Land	(\$0.051m)
New Grants Identified Since Adoption of Budget	\$0.016m
Other Minor Adjustments	<u>(\$0.078m)</u>
Amended Operating Budget Surplus	\$11.336m

Capital Budget

The effect on the capital budget is an increase in expenditure of \$9.657m.

2016/17 Adopted Budget for Capital Expenditure	\$17.414m
Add:	
2015/16 Carry Forward Capital Projects	\$9.677m
New Grants Identified Since Adoption of Budget	\$0.016m
Other Minor Adjustments	<u>(\$0.037m)</u>
Amended Capital Budget	\$27.071m

The attached Quarterly Financial Report, Attachment 10.4.2, provides an explanation of the Income Statement, Balance Sheet, Cash Flow Statement and Capital Works Statement with the year-to-date actuals compared to the year-to-date amended budget, and the amended annual budgets compared to the annual forecasts.

Income Statement

The main changes within the Income Statement are as follows:

- Increase in “Statutory Fees and Charges” (\$0.096m) primarily due to significant increases in Statutory Planning Fees. Legislated fees have been increased and at this stage the estimate is for an increase of \$130,000 in Planning fees overall with offsetting reductions in fees for Pound & Livestock, Food, Health & Tobacco Act Compliance, Litter Abatement and Asset Protection;
- Increase in “Grants - Operating” (\$0.315m) mainly due to new grants received since the adoption of the budget. These include: Rural Access Initiative, One Million Trees Project, Roadside Weeds and Pest Management, and Ice Education Program;
- Increase in “Grants - Capital” (\$0.187m) due to new funding received for Clarendon Community Hub, offset by reduction in funding originally proposed for replacement of the green at Avenue Bowling Club;
- Favourable in “Other Income” (\$1.578m) primarily due to reimbursements for the Flood/Storm event of September;
- Favourable in “Employee Costs” (\$0.175m) mainly due to a saving in the Council’s Workcover Premium.
- Increase in “Materials and Services” (\$2.064m). The bulk of the overspend directly relates to costs associated with the September Storms/Flood event, with the majority of costs to be reimbursed. There are also continuing costs relating to the Scotsburn Fires (also mostly reimbursed) and new funding received since adoption of the budget. In addition, there are forecast overspends associated with Lal Lal Wind Farm, Postage and Illegal Rubbish Dumping.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$0.303m to \$11.639m.

Cash

The forecast cash balance at 30 June 2017 has increased by \$0.068m to \$6.765m in comparison to the amended budget.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP at this stage has increased by \$0.236m to \$27.307m. This is mainly due to new funding received for Clarendon Community Hub, offset by a reduction in funding originally proposed for Avenue Bowling Club green replacement.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications Strategy

To Council, through the Ordinary Meeting of Council on 1 February 2017, and to the Audit Committee meeting on 8 February 2017.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Steve Ivelja

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

Conclusion

The Quarterly Report – December 2016 has been prepared in accordance with Section 138 – Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

Resolution:

Crs. Sullivan/Dudzik

That Council receives the Quarterly Report – December 2016.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Tuesday, 24 January 2017

10.4.3 Request for Maintenance; O'Loughlin Road Reserve, Grenville

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Council has received correspondence on several occasions, from a resident of Grenville in relation to the maintenance of O'Loughlin Road. The resident has raised concerns about the current condition of the road surface, the ability for emergency services to find and access his property in an emergency, and increased risk during fires for them to be able to safely evacuate.

A report was presented to the Place Making Advisory Committee meeting on Wednesday 14 December 2016, where the following was resolved:

That the Place Making Advisory Committee:

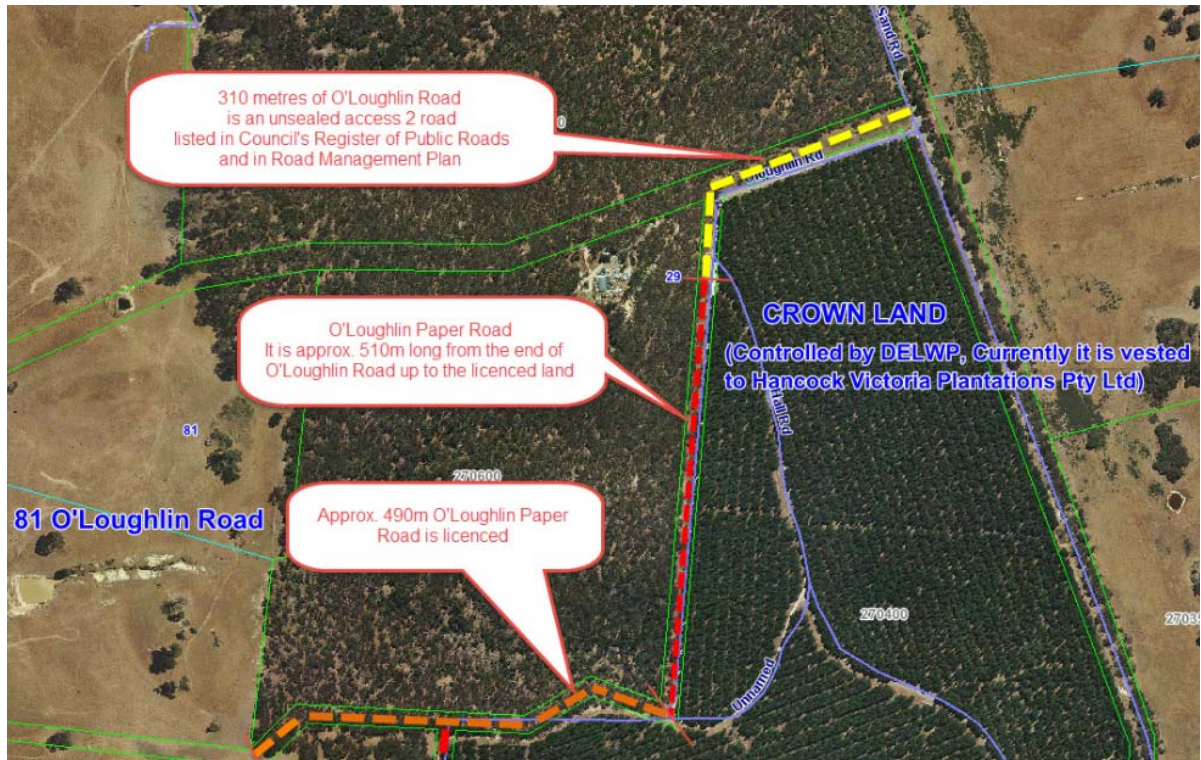
1. *Receives that report in relation to O'Loughlin Road, Grenville.*
2. *Requests that the report be presented to Council endorsing the following recommendation:*
 - a. *That O'Loughlin Road, beyond the 310 metres currently included in the Road Management Plan, not be added to the Register of Public Roads until upgrades are undertaken in accordance with Council standards.*
 - b. *If property owner(s) in O'Loughlin 'paper road' wish to pursue the construction of the road to a standard acceptable to Council, at the cost of the benefitting property owners, Council would subsequently assume ownership and maintenance responsibility for that additional section of road.*
 - c. *Requests officers to write to property owners along O'Loughlin Road, gauging support or otherwise for a Special Charge Scheme.*
 - d. *Acknowledge that the public and property owners are legally permitted to use this road reserve (ie. O'Loughlin 'paper road') to access property.*
3. *Requests officers prepare a policy on the development or maintenance of unused government ('paper') roads.*

Background

In accordance with Council's Road Management Plan (RMP) and register of public roads, O'Loughlin Road commences at the intersection of Sand Road and terminates after 310 metres. The remainder of the O'Loughlin Road reserve extends from the end of the road section (310 metres) to the beginning of 81 O'Loughlin Road and is not listed on Council's register of public roads.

This section is approximately 1,000 metres long and it is classified as a 'public highway' as defined in Road Management Act 2004 (Vic). Any person is legally permitted to use the road reserve, and this is often referred to as a 'paper road'. Approximately 490 metres of the O'Loughlin Road reserve (paper road) has an agricultural licence in favour of the owner of property 81

O'Loughlin Road. The licence commenced on 1 October 1994 for a period of 99 years. The remaining 510 metres is a 'paper road', of which there are a number throughout the Shire.



The images below show the current condition of the paper road section.



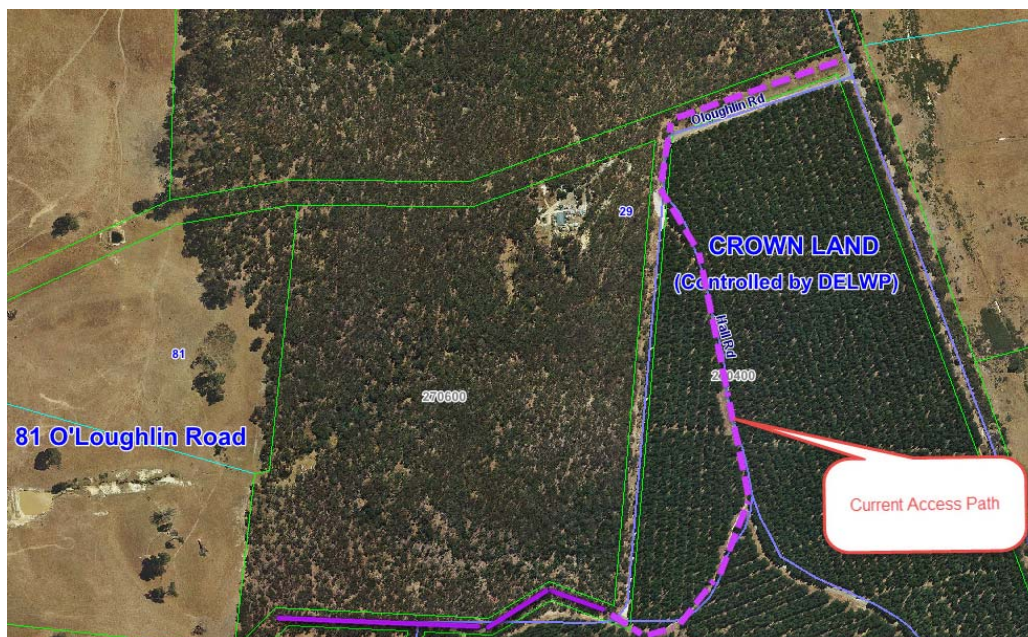


A planning permit was issued for a dwelling and ancillary outbuilding (garage) in 2013. The permit was granted on 22 November 2013 with no conditions to upgrade the, approximately 510m, section of the 'paper road' to a minimum standard required to access the property.

The dwelling is currently occupied and a business run from the property. The owner has raised following issues:

1. The ability of emergency services to accurately find and attend an emergency at this property should the need arise.
2. The ability to clearly explain to people how to access the property even in a non-emergency situation.
3. The area is in a bush fire zone. In the event of bush fire, it would be hard to evacuate from a 'paper road'.
4. During heavy rain the condition of the road would be inaccessible.

Currently the owners of 81 O'Loughlin Road are using a Hall Road, which is a private road inside private property. The Department of Environment, Land, Water and Planning (DEWLP) has vested this land to Hancock Victorian Plantations Pty Ltd and as such should be considered as private land and as such 'Hall Road' is a private road and technically should not be used by the general public.



Notwithstanding the above, Council is not obliged to assume responsibility for any 'paper road' until it has made a decision under the Road Management Act 2004, that the road is reasonably required for general public use. Council's RMP sets the criteria for when a road will be deemed required for general public use and subsequently added to its register of public roads and managed accordingly.

In this case, even with the construction of a dwelling, the criteria under the RMP is not met and typically would not be considered for addition to the road register.

Proposal

Given the above information, an assessment has been undertaken determining that the road does not meet the minimum requirement for Council to consider adding this section of Road to its Road Register.

An alternative option may be that the property owner/s may choose to construct this section of road to a standard acceptable to Council, at the cost of the benefitting property owners and Council would subsequently assume ownership and maintenance responsibility for that section of additional road. A special charge scheme could be implemented to construct the road with contributions from land owners.

The property owners may also choose to upgrade the section of road to a standard lower than Council would accept (akin to a driveway) to access their property at their cost and Council will continue to maintain the first 300 metres of O'Loughlin Road.

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced infrastructure and natural and built environment
Objective	Ensure current and future infrastructure meets the needs of the community
Strategy	Provision of effective and safe transport networks

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

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

However, if Council resolved to construct the road to the entrance of 81 O'Loughlin Road, the upgrade would cost approximately \$40,000 depending on the extent of drainage works.

Risk & Occupational Health & Safety Issues

There are no Occupational Health & Safety issues associated with the recommendation within this report.

Communications and Consultation Strategy

The property owner will be notified of the outcome following a formal resolution of Council.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – John Miller

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

Author – Phil Jeffrey

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

Conclusion

Correspondence has been received requesting that Council construct and maintain the 'paper road' section of O'Loughlin Road (approximately 510m). This request has been assessed against the criteria contained within Council's RMP and does not meet the minimum requirement for Council to consider adding this section of Road to its Road Register.

Resolution:

Crs. Sullivan/Keogh

That Council:

1. ***Notes that O'Loughlin Road, beyond the 310 metres currently in the Road Management Plan not be added to the Register of Public Roads until upgrades are undertaken in accordance with Council standards.***
2. ***Confirms that if property owner(s) in O'Loughlin 'paper road' wish to pursue the construction of the road to a standard acceptable to Council, at the cost of the benefitting property owners, Council would subsequently assume ownership and maintenance responsibility for that additional section of road.***
3. ***Requests officers to write to property owners along O'Loughlin Road gauging support or otherwise to a special charge scheme.***
4. ***Acknowledges that the public and property owners are legally permitted to use this road reserve (i.e. O'Loughlin 'Paper Road') to access property.***
5. ***Requests that officers prepare a policy on the development or maintenance of unused government ('paper') roads.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Tuesday, 24 January 2017

10.4.4 Capital Improvement Program Quarterly Report – December 2016

Introduction

File No.: 16/01/001
Author: Sam Romaszko
General Manager: Phil Jeffrey

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 2016/2017 Capital Improvement Program to 31 December 2016.

Implementation of the 2016/2017 Capital Improvement Program

The 2016/2017 Capital Improvement Program currently consists of 69 projects, of which there are 10 projects which will be delivered by others and 4 of are inactive and cannot commence. Therefore the table below reports on the 55 active projects in terms of percentage. This number will be adjusted throughout the year as other projects become active.

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

- Projects carried forward from 2015/2016 program
- 2016/2017 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 31 December 2016:

CIP Program Delivery Stage	Actual as of 31 December 2016	
	No. of Projects	%
Not Commenced (inactive)	4	-
Projects delivered by others	10	-
Not Commenced	1	1.8
Documentation/Design Preparation	7	12.7
Tender/Quote Stage	7	12.7
Project Awarded – Waiting Commencement	10	18.2
In Progress/Under Construction	14	25.5
Complete	16	29.1
TOTAL	55	100.0

The attached report 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

At this stage of the financial year the program is generally tracking well with over 70% of the program has projects either complete, under construction or awarded and awaiting commencement.

Project Updates

Grant Announcements

Council has been advised in recent months of successful funding applications for Bacchus Marsh BMX Club (\$100,000), Bacchus Marsh Racecourse Recreation Reserve Cricket Upgrade (\$100,000), Masons Lane Lighting Project (\$100,000) and Clarendon Recreation Reserve (\$300,000).

Darley Civic and Community Hub precinct

Works at the Darley Civic and Community Hub precinct are now complete and included the construction of the Early Years Hub, Sporting Pavilion and Office Lift replacement. The total project budget was \$5,208,500, with the final result of an overall over expenditure of \$199,000 (representing 4% of the overall construction budget). Taking into consideration the unsuccessful grant application of \$100,000, over expenditure would have been \$99,000, representing an overall 2% overspend).

The Early Years Hub is now fully operational with important family services such as kindergarten programs, health care and occasional care now running.

Maddingley Park Pavilion

The Maddingley Park Pavilion project involves the construction of an outdoor pavilion area adjacent to the existing social space which also includes an alfresco area, an outdoor bar, male and female amenities and a storage room. The budget breakdown for this project is:

16/17 CIP Council contribution	\$56,000
Community contribution	\$60,000
Total project budget	\$116,000

The Maddingley Park Committee of Management (CoM) is delivering the project. The CoM has received quotations in excess of the available construction budget of \$116,000 and has written to Council requesting approval to reduce the scope to the delivery of an alfresco area. The other original items such as the storage room, outdoor bar and amenities would need to be a possible future project.

Officers have written to the CoM and requested a fully scoped proposal including concept plans that they can deliver for the budget of \$116,000. This will be assessed and subject to future consideration by Council.

Policy Implications

The 2013-2017 Council Plan provides as follows:

Key Result Area	Enhanced Natural and Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community.
Strategy	Construct physical infrastructure to appropriate standards.

The Capital Improvement Program reporting is consistent with the 2013-2017 Council Plan.

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Communications 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.

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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 second quarter of the 2016/2017 period for the information of Councillors.

Resolution:

Crs. Sullivan/Dudzik

That Council receives the Capital Improvement Program quarterly report to 31 December 2016.

CARRIED.

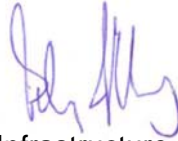
Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Tuesday 24 January 2017



Consideration of Presentation - Bacchus Marsh Racecourse Recreation Reserve – Stage 1 Scope

Mr. Darren Fowlie addressed Council in relation to the Bacchus Marsh Racecourse Recreation Reserve – Stage 1 Scope.

The business of the meeting then returned to the agenda.

10.4.5 Bacchus Marsh Racecourse Recreation Reserve – Stage 1 Scope

Introduction

Author: Sam Romaszko
General Manager: Phil Jeffrey

Background

The Bacchus Marsh Racecourse Recreation Reserve (BMRRR) Site and Active Sports Precinct Masterplan was adopted by Council on Wednesday 02 September 2015.

Council submitted an application through Rounds 2 and 3 of the Federal Government's National Stronger Regions Fund (NSRF) for Stage 1 of the proposed active sports precinct at the Bacchus Marsh Racecourse Recreation Reserve, requesting an amount of \$3.73M.

Advice has recently been received that the NSRF funding has been unsuccessful.

The Bacchus Marsh Racecourse Recreation Reserve active sports precinct masterplan indicates four stages of implementation. The recent NSRF application focused on full implementation of stage 1 including;

- 2 soccer pitches and a cricket field as a multi-purpose field
- Sports lighting to multi use field
- Cricket practice nets
- BMX track to national competition standard
- Multipurpose sports pavilion
- Construction of an unsealed car park and entry road upgrade
- Additional overflow parking area south of the BMX track
- Paths and perimeter planting
- Relocation of pony club
- Construction of sand show jumping area
- Provision of 8 dressage arenas and associated day yards
- Construction of camp drafting facilities
- Pavilion for equestrian use
- Construction of an equestrian cross country course
- Construction of a shared path to the site
- Extension and construction of services and utilities to the site

There is a current budget allocation within the Capital Improvement Program of \$800,000. Of this, \$300,000 was funded in 2015/16 for detailed design and a further \$500,000 funded in 2016/17 CIP to commence the implementation of Stage 1 works.

Sport and Recreation Victoria (SRV) has recently announced grants of \$100,000 towards the BMX facility, with a further \$100,000 toward cricket facilities at the site. A further application that has been made through the Sport and Recreation Victoria Majors Program (\$650,000) has been unsuccessful.

The Strategic Financial Plan proposes further budget allocations of \$500,000 in 2017/18 and \$2,075,000 in 2018/19 which equates to a total construction budget of \$3,275,000 (including the two recent grants).

Detailed design has been placed on hold to this point pending finalisation of the stage 1 funding mix. Given advice has been received that some recent applications were unsuccessful, a revised Stage 1 scope now needs to be established so we can progress with the design and delivery of the project.

Proposal

In developing the proposal, officers have considered the following two options.

Option 1 - relocate components of the pony club and provides a good quality 'on the ground' outcome.

Option 2 - relocate components of the pony club and provides essential items only, that can be delivered within the existing budget allocation.

A summary of the key deliverables is presented in the table below.

Deliverable	Option 1	Option 2
Multi purpose field incorporating 2 soccer pitches and a cricket field	Y	Y
Sports lighting (training standard)	Y	N
Sports field drainage and irrigation	Y	Y
Sports field perimeter fencing	Y	N
Multi-purpose pavilion	Y	Y
Cricket practice nets (2)	Y	N
Unsealed car park (54 spaces)	Y	Y
Entry road upgrade	Y	N
Walking trails	Y	N
Playground	Y	N
Shared pathway along Bacchus Marsh-Balliang Road	Y	N
Landscaping and tree planting	Y	N
Earthworks and initial surface for BMX course	Y	Y
Relocation of the equestrian cross country course	Y	Y
Relocation of grassed and gravel arenas	Y	N
Relocation of three grassed and gravel arenas only (variant of item above)	NA	Y
Relocation of 40 day arenas	Y	Y
Equine fencing	Y	Y

Provision for utilities to cater for future expansion	Y	Y
Irrigation connection from Werribee River to the reserve (pipeline already installed along O'Leary Way alignment)	Y	N
Total estimated project cost	\$4,800,000	\$3,275,000

The difference in cost for options 1 and 2 is \$1,525,000.

Project Funding

Given the rate capping environment, the ability to fund the additional \$1.525M over the next three years will be limited. It is therefore likely that option 1 cannot be delivered in the current economic environment unless another major project is delayed.

Option 2 using proposed funds in the current SFP would further reduce scope of works omitting a number of items including sportsground lighting, walking trails, shared path to the reserve, playground, entry road upgrade, cricket practice nets and an irrigation connection from the Werribee River. These items could be delivered in the future however.

In the current restrained environment and without further grants, it is being recommended that we proceed with a stage 1A incorporating option 2 items above and commence detailed design accordingly.

Grant Opportunities and Design Commencement

External grant opportunities will continue to be pursued for the project and a current further opportunity is subject to a separate report. However, rather than keep detailed design of the project on hold waiting for grant approval, it is considered that the design should commence without delay.

The project will need to be delivered in various phases. Relocation of part of the pony club will need to occur as an early works package to free up the site for the other components.

Anticipated project timeframes are listed below;

Phase	Anticipated timeframe
Design phase (appointment of principal consultant, finalisation of design)	May – October 2017
Relocation of equine activities (cross country course, day yards, dressage arenas) – possible early works package	June – October 2017
BMX commencement of works	August 2017
Procurement of remaining active sports precinct components	November – December 2017
Commencement of construction on site	February 2018
Anticipated completion	December 2018

Policy Implications

The 2013 - 2017 Council Plan provides as follows:

Key Result Area	Enhanced Infrastructure and Natural and Built Environment
Objective	Ensure current and future infrastructure meets the needs of the community
Strategy	Construct physical infrastructure to appropriate standards

The proposal is consistent with the 2013-2017 Council Plan.

Financial Implications

The project includes a \$300,000 design allocation that was funded through the 2015/16 CIP. The current construction project budget is listed below;

Budget source	Amount	Comments
2016/17 CIP	\$500,000	Implementation of Stage 1 works
SRV	\$100,000	BMX facility
SRV	\$100,000	Cricket facilities
2017/18 budget (proposed)	\$500,000	Strategic Financial Plan budget allocation (2017/18)
2018/19 budget (proposed)	\$2,075,000	Strategic Financial Plan budget allocation (2018/19)
Total construction allocation	\$3,275,000	

Sport and Recreation Victoria's (SRV) recently announced grants of \$100,000 towards the BMX facility and \$100,000 toward cricket facilities are included above.

In the event Option 1 was the preferred outcome a review and amendment to the current Strategic Financial Plan would be required to increase the proposed budget allocations for this project.

Risk & Occupational Health & Safety Issues

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

Communications Strategy

Communication with the Bacchus Marsh Racecourse Recreation Reserve Committee of Management Chair and Bacchus Marsh Pony Club has occurred in relation to the proposed scope.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Sam Romaszko

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

Conclusion

Regardless of future grant outcomes, a core stage 1A for the project should be adopted so the project can move forward. Two options for the active sports precinct Stage 1A has been developed.

Option 1 includes the relocation of components of the pony club and provides a good quality 'on the ground' outcome.

Option 2 includes the relocation of components of the pony club and provides essential items only, that can be delivered within the proposed budget allocation.

Given the rate capping environment, it is proposed to proceed with option 2 within the existing budget allocation.

Recommendation:

That Council;

- 1. Authorises a core scope for Stage 1A of Bacchus Marsh Racecourse Reserve Active Sports Precinct incorporating;**
 - **A multi purpose field with 2 soccer pitches and a cricket field**
 - **sports field drainage and irrigation**
 - **multi-purpose pavilion**
 - **unsealed car park (54 spaces)**
 - **earthworks and initial surface for BMX course**
 - **relocation of the equestrian cross country course**
 - **relocation of three existing grassed and gravel arenas**
 - **relocation of 40 day arenas**
 - **equine fencing**
 - **provision for utilities to cater for future expansion**

2. **Requests officers to proceed with detailed design of full stage 1 in readiness for future grant opportunities.**

Resolution:

Crs. Bingham/Keogh

That Council:

1. **Authorises a core scope for Stage 1A of Bacchus Marsh Racecourse Reserve Active Sports Precinct incorporating:**
 - a. **Multi-purpose field incorporating 2 soccer pitches and a cricket field**
 - b. **Sports lighting (training standard)**
 - c. **Cricket Practice nets (2)**
 - d. **Sports field drainage and irrigation**
 - e. **Multi-purpose pavilion**
 - f. **Unsealed car park (54 spaces)**
 - g. **Entry road upgrade**
 - h. **Walking trails**
 - i. **Playground**
 - j. **Shared pathway along Bacchus Marsh-Balliang Road**
 - k. **Landscaping and tree planting**
 - l. **Earthworks and initial surface for BMX course**
 - m. **Relocation of the equestrian cross country course**
 - n. **Relocation of grassed and gravel arenas**
 - o. **Relocation of 40 day arenas**
 - p. **Equine fencing**
 - q. **Provision for utilities to cater for future expansion**
 - r. **Irrigation connection from Werribee River to the reserve (pipeline already installed along O'Leary Way alignment)**
2. **Requests officers to proceed with detailed design of full stage 1 in readiness for future grant opportunities.**

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey

Title: General Manager Infrastructure

Date: Tuesday, 24 January 2017

10.4.6 Grant Funding Opportunity – Building Better Regions Fund

Introduction

File No: 06/03/001
Author: Phil Jeffrey
General Manager: Phil Jeffrey

Background

Program Guidelines for the new Building Better Regions Fund (BBRF) have been released by the Australian Government. Under the BBRF, \$297.7M will be invested over four years (2017-2020) into infrastructure and community projects that will focus on creating jobs, driving economic growth and building stronger regional communities into the future.

Grants will be available through two funding streams:

- The Infrastructure Projects Stream will support projects that involve the construction of new infrastructure, or the upgrade or extension of existing infrastructure that deliver economic and social benefits to regional and remote areas.
- The Community Investments Stream will fund community building activities including, but not limited to, new or expanded local events, strategic regional plans, and leadership and capability building activities that deliver economic and social benefits to regional and remote areas.

Local Government and not-for-profit organisations are eligible to submit an application for a grant of between \$20,000 and \$10M, on a dollar for dollar basis. The BBRF focuses on rural, regional and remote communities, with projects in major capital cities not eligible under the guidelines.

Applications for Round 1 of the BBRF open on 18 January 2017, with the Infrastructure Projects Stream closing on 28 February 2017, and the Community Investments Stream closing on 31 March 2017. Successful projects are required to commence within 12 weeks of execution of a funding agreement, and are required to be completed by 31 December 2019. This means that projects would need to literally be shovel ready with detailed design and permits in place prior to application.

This matter is being brought before Council to gauge support for an application and authorisation for officers to proceed with what could require a substantial investment.

Applying for Funding

It is important that applications focus on quantifying community benefits that will result from the project into the future. Projects will be assessed on four merit criteria, those that provide:

- The economic benefit the project will deliver to the region during and beyond the construction phase
- The social benefit the project will deliver to the region during and beyond the construction phase of the project

- The value for money offered by the project
- The project delivery – the capacity, capability and resources to deliver a strong project outcome

As the level detail in an application is required to be commensurate with the \$ value of the project, the application process and supporting information is considerably onerous. At a minimum, an application would require the following supporting documentation:

- Project Management Plan
- Business Case
- Risk Management Plan
- Procurement Management Plan
- Cost Benefit Analysis
- Written confirmation of all partner funding (cash or in-kind)
- Asset Maintenance/Management Plan
- Audited Financial Statements for the two most recent consecutive years
- Letters of support from each project partner organisation

Proposal

Consideration has been given to projects within Moorabool that may attract funding. Council's advocacy document provides for the following projects:

- Bacchus Marsh Package of Road Works
- Parwan Employment Zone
- Sewerage for Small Towns
- Bacchus Marsh Racecourse Recreation Reserve
- Bacchus Marsh Irrigation District
- Bacchus Marsh Indoor Aquatic Centre

Further projects that may warrant consideration under the program are:

- Ballan Streetscape
- Ballan Industrial Estate

An analysis of the requirements for the funding stream suggests that the Bacchus Marsh Racecourse Recreation Reserve project is the only one currently in a position to put together a competitive application. The missing components for this application are the preparation of a cost benefit analysis prepared by an economist and whether design is sufficiently advanced. It is proposed to engage an economist to prepare the cost benefit analysis and use previous documents prepared for the NSRF application.

It would be worthwhile for Council to resolve which projects are to be pursued in subsequent rounds of the funding stream and allocate funds to advance documentation required for an application including design, cost reports and identification of matching funding to satisfy the list of requirements above. It is considered that Parwan Employment Zone and Sewerage for Small Towns as individual or combined projects could be candidate projects.

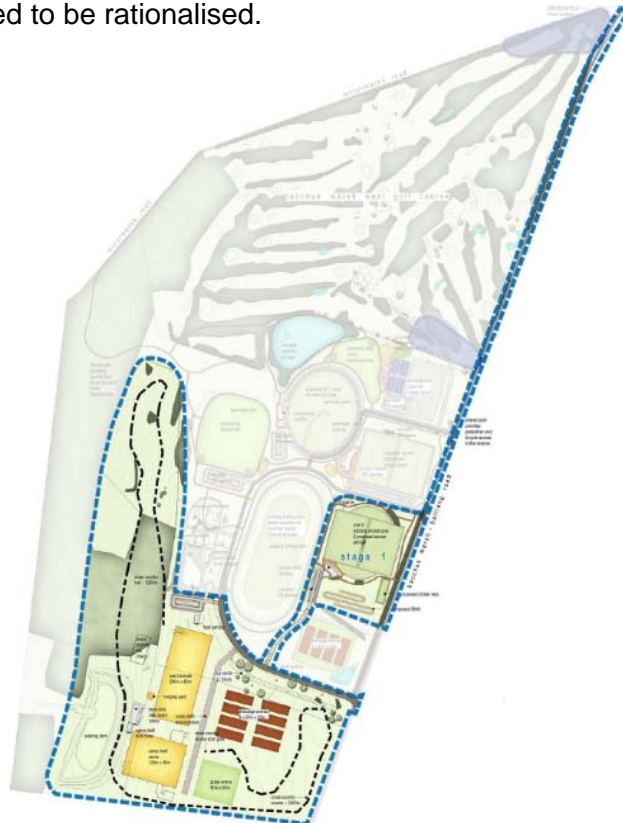
Given the above, it is proposed to submit an application for Bacchus Marsh Racecourse Recreation Reserve – Stage 1. The scope of the project is outlined below, consistent with the earlier NSRF application reports.

Bacchus Marsh Racecourse Recreation Reserve – Stage 1

This project has been titled the Moorabool Regional Community Sports Hub and will meet the identified immediate active recreation needs of the community of Bacchus Marsh and its surrounds, while also enhancing the activities of existing reserve tenants. Stage 1 of the development consists of;

- 2 soccer pitches and a cricket field as a multi-purpose field
- Sports lighting to multi use field
- Cricket practice nets
- BMX track to National competition standard
- Multipurpose sports pavilion
- Construction of a gravel car park and entry road upgrade
- Additional overflow parking area south of the BMX track
- Paths and perimeter planting
- Relocation of pony club
- Construction of sand show jumping area
- Provision of 8 dressage arenas
- Construction of camp drafting facilities
- Pavilion for equestrian use
- Construction of a cross country course
- Construction of a shared path to the site
- Extension and construction of services and utilities to the site

The total estimated cost of these works is \$7,450,000. The SFP provides \$3,075,000 and recent grants amounting to \$200,000 have been successful. Therefore, on a 1:1 funding ratio, at least \$3,275,000 could be applied for and increased slightly if committee or user group contributions could be secured before the closing date. This won't achieve the stage 1 estimate and some items will need to be rationalised.



Policy Implications

The 2013-17 Council Plan provides as follows:

Key Result Area	Representation and leadership of our community
Objective	Advocate for services and infrastructure that meets the shire's existing and future needs.
Strategy	Advocate on behalf of the community to improve services and infrastructure within the Shire.

The proposal is consistent with the 2013-17 Council Plan.

Financial Implications

See discussions under 'Proposal'.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
Financial – Inadequate matching funds to finish project	Agencies not able to match required funding.	Low	Commitment in writing from relevant agencies.

Communications and Consultation Strategy

Extensive consultation has previously occurred as part of the preparation of the Bacchus Marsh Racecourse Recreation Reserve Masterplan. The Chair of the Recreation Reserve Committee of Management will be advised of Council's resolution in relation to the submission of an application.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – Phil Jeffrey

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

Conclusion

The Federal Government's Building Better Regions Fund (BBRF) will invest \$297.7M over four years (2017-2020) into infrastructure and community projects that will focus on creating jobs, driving economic growth and building stronger regional communities.

It is recommended that Council authorises officers to progress an application for the Bacchus Marsh Racecourse Reserve – Stage 1.

Resolution:

Crs. Dudzik/Sullivan

That Council:

- 1. *Requests officers submit an application to Round 1 of the Building Better Regions Fund (BBRF), for Bacchus Marsh Racecourse Recreation Reserve – Stage 1.***
- 2. *Requests officers prepare supporting documentation required for the BBRF application.***
- 3. *Requests a further report identifying potential projects for future rounds of BBRF program including what is required to get them to application stage including associated cost.***

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Tuesday, 24 January 2017

11. OTHER REPORTS

11.1 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 since the last Ordinary Meeting of Council is provided below for consideration:

- Assembly of Councillors – Wednesday 7 December 2016 – Draft Councillor Code of Conduct
- Assembly of Councillors – Wednesday 7 December 2016 – Budget Meeting No. 1
- Assembly of Councillors – Wednesday 14 December 2016 – Bacchus Marsh Racecourse and Recreation Reserve and Major Projects
- Assembly of Councillors – Wednesday 21 December 2016 – Budget Meeting No.2.

Resolution:

Crs. Sullivan/Bingham

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

- ***Assembly of Councillors – Wednesday 7 December 2016 – Draft Councillor Code of Conduct***
- ***Assembly of Councillors – Wednesday 7 December 2016 – Budget Meeting No. 1***

- ***Assembly of Councillors – Wednesday 14 December 2016 – Bacchus Marsh Racecourse and Recreation Reserve and Major Projects***
- ***Assembly of Councillors – Wednesday 21 December 2016 – Budget Meeting No.2.***

CARRIED.

11.2 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.

Committee	Meeting Date	Council Representative
Urban Growth Strategy Committee	14 December 2016	Cr. Dudzik Cr. Bingham Cr. Edwards Cr. Keogh

Resolution:

Crs. Dudzik/Keogh

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

- ***Urban Growth Strategy Committee meeting of Wednesday 14 December 2016***

CARRIED.

11.3 Advisory Committees of Council - Reports

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

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

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

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

Committee	Meeting Date	Council Representative
Place Making Advisory Committee	14 December 2016	Cr. Keogh Cr. Tatchell Cr. Sullivan

Resolution:

Crs. Sullivan/Dudzik

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

- ***Place Making Advisory Committee Meeting of Wednesday 14 December 2016***

CARRIED.

12. NOTICES OF MOTION

12.1 Cr. Dudzik - Notice of Motion 262 – Parental Supervision at Local Pools

Resolution:

Crs. Dudzik/Sullivan

That Council:

- 1. Review its pool policies and requirements to ensure that they are in line with best practice.***
- 2. Receive a further report on the whether it should move to adopt the Royal Lifesaving Society Australia Keep Watch at Public Pools program.***
- 3. Provide public clarification to residents that the role of the lifeguard does not replace parental supervision through media releases and improved signage at Bacchus Marsh and Ballan Pools.***
- 4. Conduct an awareness and education program about the need for parental supervision of children at public pools.***

CARRIED.

13. MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor, Cr. Edwards, attended the following meetings and activities:

Cr Edwards – Mayor's Report	
December 2016 – February 2017	
8 December	<ul style="list-style-type: none"> • Bacchus Marsh CWA 85th Birthday Celebrations
11 December	<ul style="list-style-type: none"> • Scotsburn Fire Art Exhibition Opening
12 December	<ul style="list-style-type: none"> • Community Meeting with the Shadow Leader of the Opposition and Shadow Cabinet • Victorian Planning Authority update on VPAs plans for 2017 and meeting with Minister for Planning the Hon Richard Wynne
14 December	<ul style="list-style-type: none"> • S86 Urban Growth Strategy Committee Meeting • Assembly of Councillors – Bacchus Marsh Racecourse Recreation Reserve
16 December	<ul style="list-style-type: none"> • Central Highlands Mayors & CEOs Forum
18 December	<ul style="list-style-type: none"> • Moorabool Light Orchestra Sounds of Christmas Concert
20 December	<ul style="list-style-type: none"> • Community Relief Fund Bendigo Bank MoU Signing
21 December	<ul style="list-style-type: none"> • Assembly of Councillors – Budget Meeting • Special Meeting of Council
25 January	<ul style="list-style-type: none"> • Assembly of Councillors – Bacchus Marsh Racecourse Recreation Reserve • Assembly of Councillors – Leisure Services In-house Modelling • Assembly of Councillors – Draft Council Plan
26 January	<ul style="list-style-type: none"> • Australia Day Community Breakfast and Award Ceremony including Australian Citizenship Ceremony
1 February	<ul style="list-style-type: none"> • Assembly of Councillors – Councillor Code of Conduct • Ordinary Meeting of Council

Resolution:

Crs. Sullivan/Keogh

That the Mayor's report be received.

CARRIED.

14. COUNCILLORS' REPORTS

Since the last Ordinary Meeting of Council, Councillors have attended the following meetings and activities:

Cr. Keogh	
January 2017	
26 January	Australia Day Community Breakfast and Award Ceremony including Australian Citizenship Ceremony

Cr. Sullivan	
January 2017	
26 January	Australia Day Celebration in the township of Yendon

Cr. Dudzik	
November 2016 - January 2017	
29 November	Returned and Services League (RSL) Bacchus Marsh - Great Centenary Committee Meeting
26 January	Australia Day Community Breakfast and Award Ceremony including Australian Citizenship Ceremony
31 January	Returned and Services League (RSL) Bacchus Marsh - Great Centenary Committee Meeting

Resolution:

Crs. Sullivan/Keogh

That the Councillors' reports be received.

CARRIED.

15. URGENT BUSINESS

Cr. Tonia Dudzik declared an Indirect Conflict of Interest (Section 78B) in relation to Item 15.1 – Renaming Rupert Moon Reserve to Rupert Moon VC Reserve. The nature of the conflict of interest is due to Cr. Dudzik being the President of the Great War Centenary Committee honouring Rupert Moon as part of the Anzac Centenary Commemorations.

Cr. Dudzik left the meeting at 6.25pm and did not participate in voting on the Item.

15.1 Renaming Rupert Moon Reserve to Rupert Moon VC Reserve

Resolution:

Crs. Bingham/Keogh

That Council commence the process to request the renaming of Rupert Moon Reserve to Rupert Moon VC Reserve.

CARRIED.

Cr. Dudzik returned to the Meeting at 6.26pm.

ADJOURNMENT OF MEETING – 6.28PM

Crs. Sullivan/Bingham

That the meeting now stand adjourned for a period of 10 minutes.

CARRIED.

RESUMPTION OF MEETING – 6.38PM

Crs. Sullivan/Bingham

That the meeting now be resumed.

CARRIED.

16. CLOSED SESSION OF THE MEETING TO THE PUBLIC**16.1 Confidential Report****CLOSURE OF THE MEETING TO THE PUBLIC – 6.38PM**

Resolution:

Crs. Bingham/Keogh

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***

CARRIED.

Item 16.1 is a confidential item and
therefore not included
as part of these Minutes.

17. MEETING CLOSURE

The meeting closed at 6.52pm.

Confirmed.....Mayor.