

ORDINARY MEETING OF COUNCIL

Minutes of the Ordinary Meeting of Council to be held at
Council Chamber, 15 Stead Street, Ballan on
Wednesday 01 May 2019, at 6:00 p.m.

Members:

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

Officers:

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

Derek Madden
Chief Executive Officer

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1. OPENING OF MEETING AND PRAYER

The Mayor, Cr Tatchell opened the meeting with the Council Prayer at 6.00pm.

2. ACKNOWLEDGEMENT TO COUNTRY

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

3. RECORDING OF MEETING

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

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

4. PRESENT

<i>Cr. Paul Tatchell (Mayor)</i>	<i>Central Moorabool Ward</i>
<i>Cr. John Keogh (Deputy Mayor)</i>	<i>East Moorabool Ward</i>
<i>Cr. David Edwards</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. Tom Sullivan</i>	<i>West Moorabool Ward</i>

Officers:

<i>Mr. Derek Madden</i>	<i>Chief Executive Officer</i>
<i>Mr. Danny Colgan</i>	<i>General Manager Community Development</i>
<i>Mr. Phil Jeffrey</i>	<i>General Manager Community Assets and Infrastructure</i>
<i>Mr. Satwinder Sandhu</i>	<i>General Manager Community Planning</i>
<i>Mr. Steve Ivelja</i>	<i>Chief Financial Officer</i>
<i>Mr. Ian Waugh</i>	<i>Manager Community & Recreation Development</i>
<i>Ms. Michelle Morrow</i>	<i>Coordinator Governance</i>
<i>Ms. Emma Szymanski</i>	<i>Minute Taker</i>

5. APOLOGIES

<i>Cr. Pat Toohey</i>	<i>Woodlands Ward</i>
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6. CONFIRMATION OF MINUTES

6.1 Ordinary Meeting of Council – Wednesday 03 April 2019

Resolution:

Crs. Keogh/Edwards

That Council confirms the Minutes of the Ordinary Meeting of Council held on Wednesday 03 April 2019.

CARRIED.

7. DISCLOSURE OF CONFLICT OF INTEREST

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

Definitions of the class of the interest are:

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

Time for Disclosure of Conflicts of Interest

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

Section 79(6) of the Act states:

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

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

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

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

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

7.1 Disclosure of Direct Interest – Cr. Keogh

Cr. Keogh declared a Direct Conflict of Interest in relation to Item 17.2 - Contract 26-2018/2019 – Bacchus Marsh Racecourse Recreation Reserve – Civil Works and Construction of Services Introduction. The nature of the Conflict of Interest is due to Cr. Keogh having a perceived conflict of interest.

8. PUBLIC QUESTION TIME

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

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

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

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

A Councillor or Council officer may:

- i) immediately answer the question asked; or
- ii) elect to have the question taken on notice until the next Ordinary meeting of Council; at which time the question must be answered and incorporated in the Agenda of the meeting under Public Question Time; or
- iii) elect to submit a written answer to the person asking the question within 10 working days.

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

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

9. PETITIONS

Nil.

10. PRESENTATIONS / DEPUTATIONS

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

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

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

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

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

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

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

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

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

Item No	Description	Name	Position
11.3.1	Darley Civic Hub Indoor Sports Stadium Expiry of Lease – Acrofun Gymnastics Club	Troy Strang	Objector
11.3.4	Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions	Felice D'Amore	Submitter
11.3.4	Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions	Jackie Memery	Submitter
11.3.4	Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions	Neil Haydon on behalf of Paul & Leanne McGrath	Submitter
11.3.4	Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions	Victoria Vilagosh	Applicant

11. OFFICER'S REPORTS

11.1 CHIEF EXECUTIVE OFFICER

11.1.1 Quarterly Financial Report March 2019

Introduction

Author: Steve Ivelja
CEO: Derek Madden

Background

This Quarterly Report covers the period of 1 July 2018 to 31 March 2019. 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 \$4.034m. Please refer to the attached report for a detailed review of the financials.

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 – March 2019.

Policy Implications

The adoption of the Quarterly Report – March 2019 meets Council's statutory obligations under section 138 – Quarterly Statements of the Local Government Act (1989).

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance & Leadership

Context 1C: Our Business and Systems

The proposal to adopt the Quarterly Report – March 2019 is consistent with the Council Plan 2017 – 2021.

The attached Quarterly Financial Report, Attachment 1, 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.

High Level Summary

Operating Budget

The Year End Forecast shows an overall Operating Surplus of \$14.364m, which is \$4.034m favourable to the Amended Budget. This surplus can be misinterpreted as it contains income relating to the Capital Improvement Program, and other items such as Developer Contributions and estimated carry overs. After allowing for these adjustments (as seen in the table below) the Adjusted Surplus is forecast to be \$0.612m favourable to the Amended Budget.

	Amended	Forecast	Variance	
	\$'000	\$'000	\$'000	F / U
Total Income	59,815	66,759	6,944	F
Total Expenses	49,485	52,395	(2,910)	U
Surplus (Deficit) for the year	10,330	14,364	4,034	F
Adjustments*	960	(2,463)	(3,423)	F
Adjusted Surplus (Deficit)	11,289	11,901	612	F

* Adjustments include Capital Grants, Depreciation, Asset Sales, Written Down Value, Developer Contributions, Flood Recovery, Blackwood Septic Program, and Budget Carry Overs.

Capital Budget

The table below shows the overall variance of the Capital Improvement Program. After allowing for estimated carry overs into the 2019/20 financial year and some minor adjustments, it shows that Capital will be \$0.209m unfavourable. This relates to identified overruns for Darley Park Lighting Project and Maddingley Park Tennis Club.

	Capital Exp.	Capital Inc.	Net Cap Exp.
	\$'000	\$'000	\$'000
Amended Budget	20,626	2,052	18,574
End of Year Forecast	18,685	4,412	14,273
Proposed Carry Over	4,779	450	4,329
Adjustments*	0	180	(180)
Total Variance	(2,839)	(2,630)	(209)

* Adjustments include Capital Grants received in advance, and increases/decreases in expected Asset Sales.

Overall Impact on 2018/19 Budget

When combining the net adjusted results of both the Operating Budget and the Capital Budget, the table below shows that Council is Forecast to be \$0.403m favourable at year end.

	Amended	Forecast	Variance	
	\$'000	\$'000	\$'000	F / U
Adjusted Surplus (Deficit)	11,289	11,901	612	F
Capital Program Surplus (Deficit)	(2,839)	(2,630)	(209)	U
Total Surplus (Deficit) for the year	8,451	9,271	403	F

This represents a 0.81% favourable variance to the Amended Operating Budget. Officers will continue to monitor the year end forecast as the financial year progresses.

Income Statement

The main changes within the Income Statement are as follows:

- Increase in “Grants - Operating” (\$0.589m) which relates to new or additional funding received since the adoption of the budget. The largest being Youth Engagement Support Project (\$0.118m).
- Favourable in “Grants – Capital” (\$2.360m) due to new funding received since the adoption of the budget. The more significant projects include; Woolpack Road, Maddingley (\$0.718m) and Bacchus Marsh - Balliang Road (\$0.630m).
- Favourable in “Other Income” (\$3.149m) primarily due to the Blackwood Localised Septic Program (\$1.100m) and reimbursements for Flood/Storm Events in September 2016 (\$0.800m) and December 2018 (\$1.000m – estimate).
- Decrease in “Employee Costs” (\$0.384m) mainly due to a number a vacancies across numerous Council services.
- Increase in “Materials and Services” (\$3.537m). The bulk of the expected overspend relates to costs associated with the Blackwood Localised Septic Program and restoration works for Flood/Storm Events.

The net effect of these changes and other minor variances causes the total surplus for the year to increase by \$4.034m to \$14.364m.

Cash

The forecast cash balance at 30 June 2019 has increased by \$2.509m to \$20.617m in comparison to the amended budget.

Capital Improvement Program (CIP)

The total cash expenditure forecast for the CIP at this stage has decreased by \$1.941m to \$18.685m. This is due to some projects being partially deferred to the 2019/20 financial year. The most significant being Bacchus Marsh Racecourse and Recreation Reserve.

Risk & Occupational Health & Safety Issues

There are no identified risks associated with this process.

Communications and Consultation Strategy

To Council, through the Ordinary Meeting of Council on 1 May 2019, and to the Audit and Risk Committee meeting on 1 May,2019.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

Chief Executive Officer – Derek Madden

In providing this advice to Council as the CEO, 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 – March 2019 has been prepared in accordance with Section 138 – Quarterly Statements of the Local Government Act (1989) for review and receiving by Council.

Resolution:

Crs. Dudzik/Sullivan

That Council receives the Quarterly Report – March 2019.

CARRIED.

Report Authorisation

Authorised by:

Name: Derek Madden
Title: Chief Executive Officer
Date: Thursday 11 April 2019



11.2 COMMUNITY PLANNING

11.2.1 Strategic Agricultural Land

Introduction

Author: Ana Mitrov
General Manager: Satwinder Sandhu

Background

Plan Melbourne is Melbourne's metropolitan planning strategy that defines the future shape of the city and state over the next 35 years. Policy 1.4.1 of Plan Melbourne seeks to "*Protect Agricultural Land and Support Agricultural Production*". Plan Melbourne identifies agricultural production in green wedges and peri urban areas as being vital to Melbourne's long-term food security due to its proximity to markets, access to infrastructure and labour, and quality soils. It also notes that agricultural areas are also important agri-food tourism destinations. Plan Melbourne states that agricultural land in green wedges and peri-urban areas should be retained for productive use so it is not permanently lost.

Plan Melbourne 'Implementation Plan' includes '*Action 17: Support strategic planning for agriculture*'. This action states;

"Improve planning decision-making to support sustainable agriculture by identifying areas of strategic agricultural land in Melbourne's green wedges and peri-urban areas. This will give consideration to climate change, soils and landscape, access to water, integration with industry and significant government investment in agricultural infrastructure. It will also protect the right to farm in key locations within green wedges and peri-urban areas".

Identification of Strategic Agricultural Land

Department of Environment, Land, Water and Planning (DELWP) is currently progressing work to implement Action 17. DELWP has commenced Stage 1 to identify strategic land within 100kms around Melbourne, with workshops and consultation held in February and March. Draft submission has been prepared. Stage 2 will develop planning controls to protect the strategic agricultural land.

DELWP has worked with Agriculture Victoria, Deakin University, and experts from across DELWP and the Department of Jobs, Precincts and Regions (DJPR) to develop and test potential criteria to determine strategic agricultural land. The criteria consist of features of the land such as soil quality, topography, rainfall, along with current land uses, climate resistance, infrastructure (including irrigation) and distance to processing and supply industries.

Officers attended a DELWP workshop on 21 February 2019 where the Stage 1 work was presented. At this workshop, Officers raised concerns about the mapping criteria, extent of the mapping proposed for Moorabool Shire, and lack of prior consultation with Council.

Consultation

DELWP is seeking feedback on Stage 1. Consultation is open for six (6) weeks from the 12 March 2019 to 23 April 2019. As part of this consultation DELWP held a number of regional workshops across the state in the areas that have strategic agricultural land. Workshops were held in Bacchus Marsh, Mornington, Koo Wee Rup, Kilmore and Yarra Junction. At these workshops DELWP presented the project including the explanation of the process, developing the draft criteria and mapping.

Officers from Strategic Planning and Councillor Pat Toohey attended the workshop in Bacchus Marsh on 27 March 2019. At the workshop, a number of landowners raised concerns regarding identification of the strategic agricultural land and the impact that this may have on the viability of farming this land, in particular the potential application of additional controls and restrictions on their land.

Submission

Officers have prepared a submission on the identification strategic agricultural land (**Attachment 11.2.1a**). While submissions close on the 23 April 2019, DELWP have advised that due to Council reporting timeframes, Councils have until 21 May 2019 to make their submissions. This report seeks to inform Council of the work being undertaken by the Department, outline Officers' concerns with the project, and seek to have the submission endorsed by Council.

The submission provides general support for the identification and protection of strategic agricultural land but raises a number of concerns as outlined below.

It is considered that Councils were engaged late in the process, and that earlier engagement prior to the development of criteria and draft mapping should have been undertaken. This would have enabled Council to provide the Department with additional information, such as the Bacchus Marsh Agricultural Assessment that was undertaken as part of the Bacchus Marsh Urban Growth Framework, and have this work inform the early stages of the project.

The mapping of the strategic agricultural land provided by Department is of a small scale and does not provide adequate detail for Council to comment on the accuracy of the mapping (**Attachment 11.2.1b**). For Council to be able to provide informed feedback on the accuracy of the mapping, it requires a GIS layer of the significant agricultural land, in order to be able to assess the mapping against layers such as topography, property boundaries, waterways and roads.

The mapping fails to take into consideration future strategic work that is currently being undertaken, including the Bacchus Marsh PSPs being prepared by the VPA and the Eastern Link Road which currently subject to the VicRoads planning study. Both these projects appear to impact on land identified as strategic agricultural land. Strategic agricultural land has also been identified in close proximity to Bungaree, Wallace and Dunnstown. It is unclear from the mapping the extent to which this may impact on the future expansion of these towns consistent with growth identified in the Small Towns and Settlements Strategy, 2016.

The strategic agricultural land mapping identifies land subject to Western Water's Western Irrigation Network (WIN) project. This project is in the early planning stages and has not yet been approved by Western Water's board. The submission requests that this land is not identified as strategic agricultural land within the planning scheme until such point in time that the implementation of the project is committed to.

The submission raises concerns about the impacts that the identification of strategic agricultural land will have on landowners, including the implications of future planning controls. It requests that as part of any proposal to identify strategic agricultural land, and place controls on this land, that consideration be given to how the State Government can support landowners to continue to farm this land.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 3: Stimulating Economic Development

Context 3A: Land Use Planning

The identification of strategic agricultural land is a State Government led project and is not specifically identified in the Council Plan.

Financial Implications

To date, Council has invested Council Officer time and resources into the preparation of the submission for the Department.

Risk & Occupational Health & Safety Issues

There are unlikely to be any risk and occupational health and safety implications for Council.

Communications and Consultation Strategy/ Community Engagement Strategy

DELWP has undertaken consultation on the Stage 1 work. A workshop for Council's, agencies, and water authorities was held on 21 February 2019. A number of community consultation workshops were held in late March – early April 2019, with a Bacchus Marsh workshop being held on 27 March 2019. DELWP have advised that key issues raised at the workshop will be shared with the community in July 2019. Stage 2 consultation will commence in late 2019.

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 – Ana Mitrov

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

Conclusion

The mapping of strategic agricultural land is considered an important first step in the protection of agricultural land in close proximity to Melbourne. The submission is generally supportive of the project but raises a number of concerns including the quality of mapping provided, and the lack of recognition of future strategic projects that will impact on the mapping. It is recommended that Council forwards a submission to DELWP that is in line with the draft submission attached to this report by 21 May 2019.

Resolution:

Crs. Sullivan/Edwards

That Council forwards a submission to DELWP outlining the matters discussed in this report and further expressed in Attachment 11.2.1a to this report.

CARRIED.

Report Authorisation

Authorised by:

Name:


Satwinder Sandhu

Title:

General Manager, Community Planning

Date:

03 April 2019

11.2.2 Update to Terms of Reference for Economic Development Taskforce

Introduction

Author: Satwinder Sandhu
General Manager: Satwinder Sandhu

Background

At the Ordinary Meeting of Council on 14 February 2018 Council approved the establishment of the Economic Development Taskforce (Taskforce). The membership of the Taskforce was approved at the Ordinary Meeting of Council on Wednesday 6 June 2018. At this meeting, it was resolved that instead of the proposed three (3) Councillors, that all Councillors were to be included as members and the Terms of Reference was to be amended accordingly.

The Terms of Reference set the goal of the Taskforce as being, 'To have oversight of economic development objectives, and to provide advice on the development, promotion and implementation of strategies and initiatives.'

Proposal

The Economic Development Taskforce Terms of Reference is now due to be updated to reflect the changes made at the Statutory Meeting of Council held on 26 November 2018 and at the Ordinary Meeting of Council held 6 March 2019. These updates include:

- Membership;
- Appointment of Chairperson;
- Quorum;
- Frequency and Location of meeting;
- Agenda Distribution;
- Minutes of the Meeting;
- Taskforce Delegations; and
- Evaluation and Review.

The proposed Terms of Reference is shown in **Attachment 11.2.2**.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Good Governance through effective systems and procedures.

Context 1C: Our Business and Systems.

The proposal is not provided in the Council Plan 2017-2021 and can be actioned by reprioritising programs.

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

In accordance with Section 89(4) of the Local Government Act 1989, a public notice will be placed in the local and regional newspapers and on Council's corporate website.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Satwinder Sandhu

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

Author – Satwinder Sandhu

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

Conclusion

The Economic Development Taskforce Terms of Reference is now due to be updated to reflect the changes made at the Statutory Meeting of Council held on 26 November 2018 and at the Ordinary Meeting of Council held 6 March 2019.

The proposed Terms of Reference is shown in **Attachment 11.2.2**.

Resolution:

Crs. Sullivan/Dudzik

That Council resolves to adopt the updated Terms of Reference for the S86 Economic Development Taskforce in accordance with the provisions of the Local Government Act 1989 and Moorabool Shire Council Meeting Procedure Local Law No. 9, with the following amendment:

a)'Additional meetings may be called by the Chairperson or two members of the Committee' under the heading 'Frequency and Location of Meetings'.

CARRIED.

Report Authorisation

Authorised by:

Name:

Satwinder Sandhu

Title:

General Manager Community Planning

Date:

02 April 2019

11.2.3 Planning Permit Number PA2016 144 – Development of a Camping Ground and Caravan Park associated with a Place of Assembly at 121 Forbes Road, Leigh Creek.

Application Summary:	
Permit No:	PA2016 144
Lodgement Date:	8 June, 2016
Planning Officer:	Victoria Mack
Address of the land:	"Kryal Castle" 121 Forbes Road Leigh Creek Lot 1 and Lot 2 on PS 209123L
Proposal:	Development of a camping ground and caravan park associated with a Place of Assembly.
Lot size:	10.97ha
Why is a permit required?	Farming Zone – use of land for camping and caravan park; and buildings and works.
Reason for being presented to S86 Development Assessment Committee.	Two objections received; and compliance with planning and water authority requirements not able to be met.
Public Consultation	
Was the application advertised?	Yes
Notices on site:	One (1) notice
Notice in Moorabool Newspaper:	No
Number of Objections:	Two (2)
Consultation Meeting:	Not held
Policy Implications	
Strategy Objective 3:	Stimulating Economic Development
Context 3A:	Land Use Planning
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 – Rob Fillisch</i>	
In providing this advice to Council as the Manager, I have no interests to disclose in this report.	
<i>Author – Victoria Mack</i>	
In providing this advice to Council as the Author, I have no interests to disclose in this report.	
Executive Summary	
Application Referred?	Yes
Any issues raised in referral responses?	<p>The existing waste water treatment system (WWTS) servicing Kryal Castle site is not suitable for any expansion of the use of the land until the WWTS is significantly upgraded, or the whole of the site is connected to a reticulated sewerage system.</p> <p>Central Highlands Water and Council's Environmental Health both requested further information which has not yet been satisfied.</p> <p>In the case of Environmental Health, they later consented with conditions including that the site must be connected to reticulated sewage.</p>
Preliminary concerns?	Waste water management system is inadequate.
Any discussions with applicant regarding concerns?	The issue of waste water management has been an ongoing discussion between the Kryal Castle management, water authorities, Council Environmental Health officers and the Planning Department. They have been advised that this application cannot be progressed until the WWTS issue has been resolved.
Any changes made to the application since being lodged?	Additional documents and plans were provided following the Planning Department request for further information, but not all information requested was provided.
Brief history	The site is the location of the tourist facility Kryal Castle which commenced operating in approximately 1996.
Previous applications for the site?	PAM002/96 - Original permit PA2013023 – Use of a licenced premises
General summary	The application is to extend the range of Kryal Castle's hospitality services to add a glamping and caravan park to the site.

	<p>However, the application has been unable to demonstrate that the current WWTS on the site can accommodate the proposed uses.</p> <p>Environmental Health has advised that the current WWTS is known to be failing and that the Environment Protection Authority has now placed an order on the site that the issues identified with the wastewater treatment plant must be corrected.</p> <p>Council received this application in June 2016. After referral to the required authorities the poor state of the WWTS became apparent.</p> <p>Central Highlands Water requested further information, including a long-term sustainable waste water management plan for the site, and storm water management plan.</p> <p>Council's Environmental Health requested further information but later consented to the application provided the site was connected to reticulated sewerage.</p> <p>Council's Infrastructure Department required a traffic management plan and details of site works and access.</p> <p>Advertising resulted in two (2) objections.</p> <p>The application was allowed to remain on hold to give the applicants time to sort out the many issues raised by referral authorities and objectors, recognising the hospitality, tourism and employment services that Kryal Castle provides to the community, the region and the State.</p> <p>However, as no progress has been made in relation to the WWTS it is considered that further allowance cannot be given, and the application should be refused.</p> <p>In due course once the WWTS and other matters have been rectified the applicants can reapply for the proposed uses.</p>
<p>Summary Recommendation</p>	
<p>That, having considered all relevant matters as required by the <i>Planning and Environment Act 1987</i>, Council Refuses to Grant a Planning Permit for the <i>Development of a camping ground and caravan park associated with a Place of Assembly</i> at 121 Forbes Road Leigh Creek otherwise known as Lots 1 and 2 on PS 209123L.</p>	

Site Description

The site is 10.97ha. It contains Kryal Castle, which covers 2.26ha, and a large the external car parking area accessed via a 180m long drive way from Forbes Road. The balance of the land is pasture. There are extensive buildings and operational areas within the castle walls. The castle complex is located close to the south side boundary of the site. The land slopes from the castle site down to the entrance on Forbes Road. There is limited native vegetation on the site but there are some exotic trees planted on formed terraces at the front of the castle site and there is extensive landscaping with trees and shrubs within the castle grounds. Kryal Castle is serviced by an on-site waste water (septic) treatment system.

The castle site is in the Farming Zone with the southern portion of the site covered by the Bushfire Management Overlay. Land to the south of the castle is in the Public Conservation and Resource Zone and includes Mount Warrenheip and the Mount Warrenheip Flora Reserve. This land is in private ownership. Surrounding land is in Farming Zone.

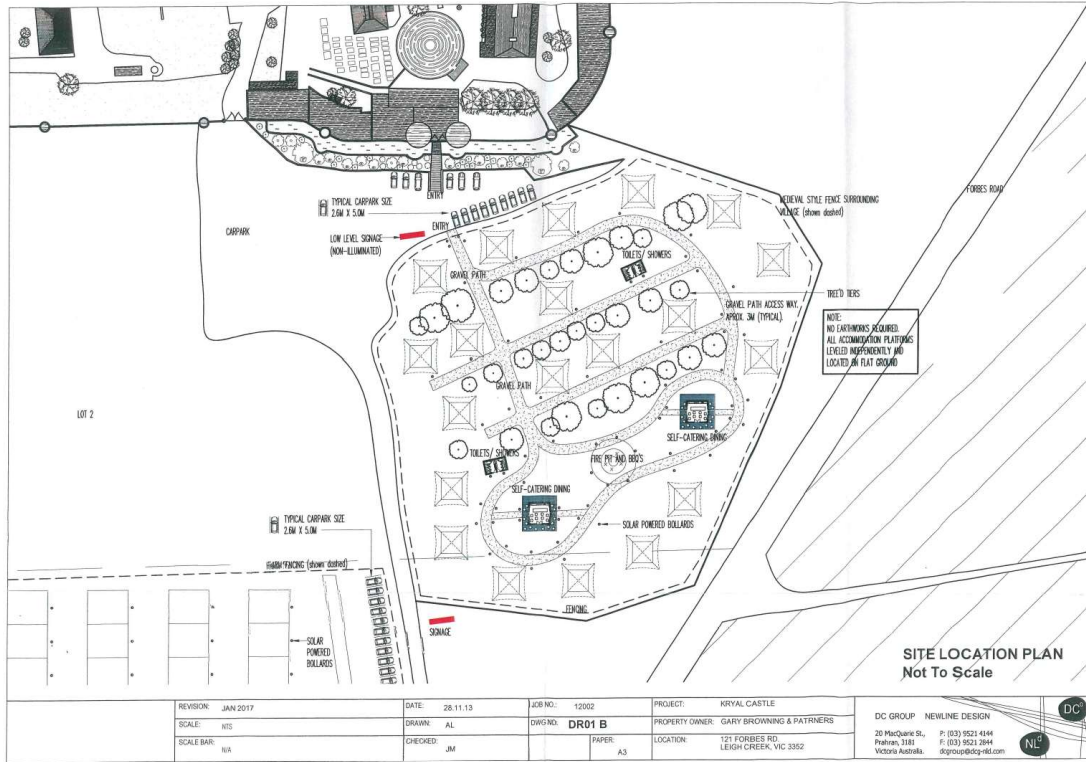
The castle is located approximately 1.2kms south of the Western Freeway; approximately 11kms east of the Ballarat Central Business District; and approximately 4.4kms south-west of the Bungaree township. Kryal Castle hosts visitors from all over the world and is a noted regional and State tourism attraction. At the time of application 80,000 visitors attended the attraction per annum. The new owners intend to extend this to 150,000 visitors per annum in the medium term.

Below is an aerial photo of the Kryal Castle site.



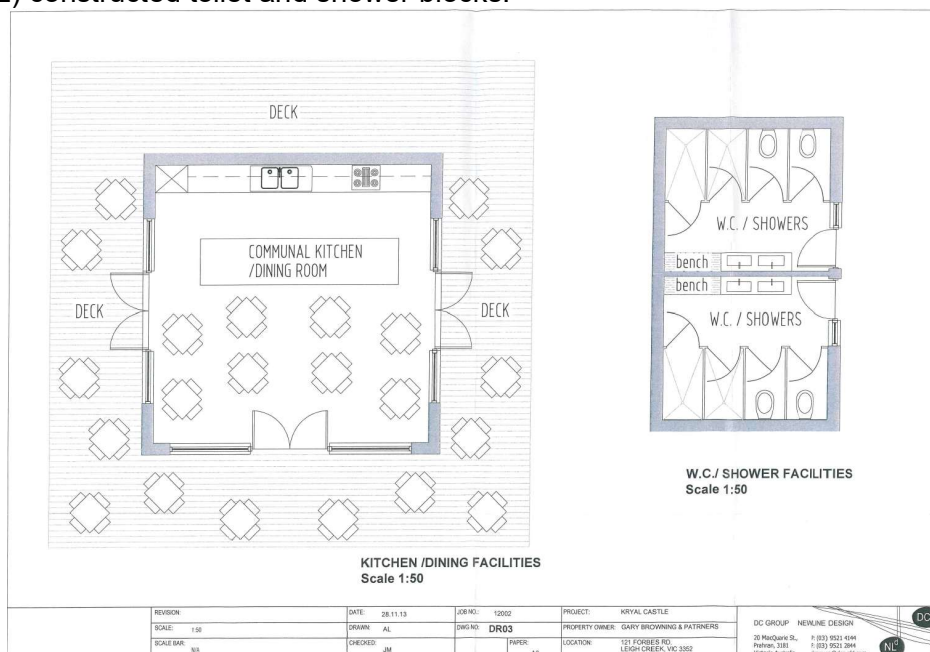
Proposal

It is proposed to construct glamping tents and a caravan park on the site. The development would have twenty (20) glamping tents would be permanently constructed on a site north north-west of the castle on the terraced land on the west side of the driveway which slopes down to Forbes Road.



There would be gravel paths between the tents with solar powered bollards for lighting along the pathways. No vehicles would be allowed to access the glamping area. Glamping tents would be heated with purpose-built pot belly type stoves. They would have power and water.

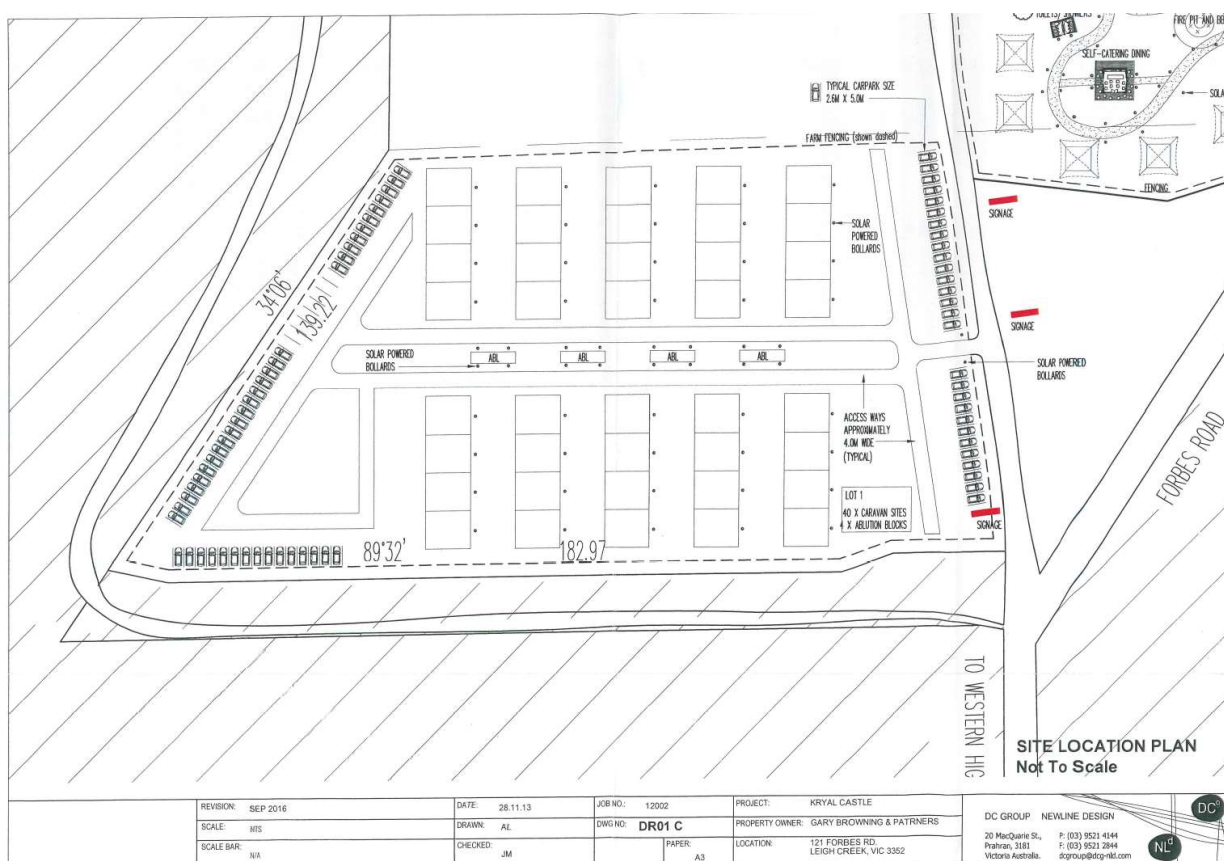
Additionally, there would be two (2) constructed self-catering dining and communal kitchens and two (2) constructed toilet and shower blocks.



Parking to service the glamping sites would be provided by the existing car parking area.

The caravan park would be located on the east side of the driveway on vacant pastured land. Forty (40) powered sites are proposed. Twenty (20) on each side of four (4) ablution blocks to be located centrally. The caravan park would also be lit by solar powered bollards across the site.

Parking spaces would be located around the perimeter of the caravan sites. The caravan park site may include permanent cabins and/or permanent caravans. Operating hours proposed would be 24 hours a day seven days per week.



The proposal also included reference to landscaping, signage around the site, security/boom gates on the accessway, further electrical and plumbing work and sewerage upgrades, although the sewerage upgrades were not specified. Additional staff would be employed to run the camping and caravan park side of the Kryal Castle enterprise.

The application was accompanied by the following documents:

1. Risk assessment prepared by *arris*.
2. Quotation for the Design and installation of an on-site waste water system for Kryal Castle prepared by *arris* dated June 2014.
3. Quotation to renew/commission fire services prepared by Southern Dales horizontal boring.
4. A draft Fire Risk Management Plan prepared by Peter McMahon
5. Kryal Castle promotional material including business plan (undated).
6. A Kryal Castle Camping Management Plan

After the original application was received a request for further information was sent to the applicant by the Planning Department. The information received was provided in part which addressed some, but not all, of the request.

Background to Current Proposal

The application has been on hold for considerable time due to the WWTS requirements not being able to be met.

The current septic system is not adequately servicing Kryal Castle's current use. The addition of camping and caravan park to the site cannot be supported unless the existing septic system is substantially upgraded, and/or the site is connected to a reticulated sewerage system.

The applicant/owners have not yet committed to a solution to the issue.

History

Kryal Castle was approved by permit PAM002/96. The permit has been amended over time.

A more recent amendment was to add "external camping (outside the castle building) on the grass terraces for up to 200 people for up to four (4) events per year" approved on 22 November 2016. Additional conditions were added to the permit.

The external camping was further amended on 19 July 2017 to allow for up to 600 people for up to 6 (6) events per year and again conditions were adjusted on the permit.

These camping events were approved with a condition that portable toilets were used for all events unless Council was otherwise satisfied that the toileting and shower facilities were suitable for the number of people proposed.

An additional permit PA2013023 for the use of land as a licensed premise (General Liquor Licence) was issued on 10 May 2013.

Public Notice

The application was notified on 27 February 2017 to adjoining and surrounding landowners. Two (2) objections were received.

Summary of Objections

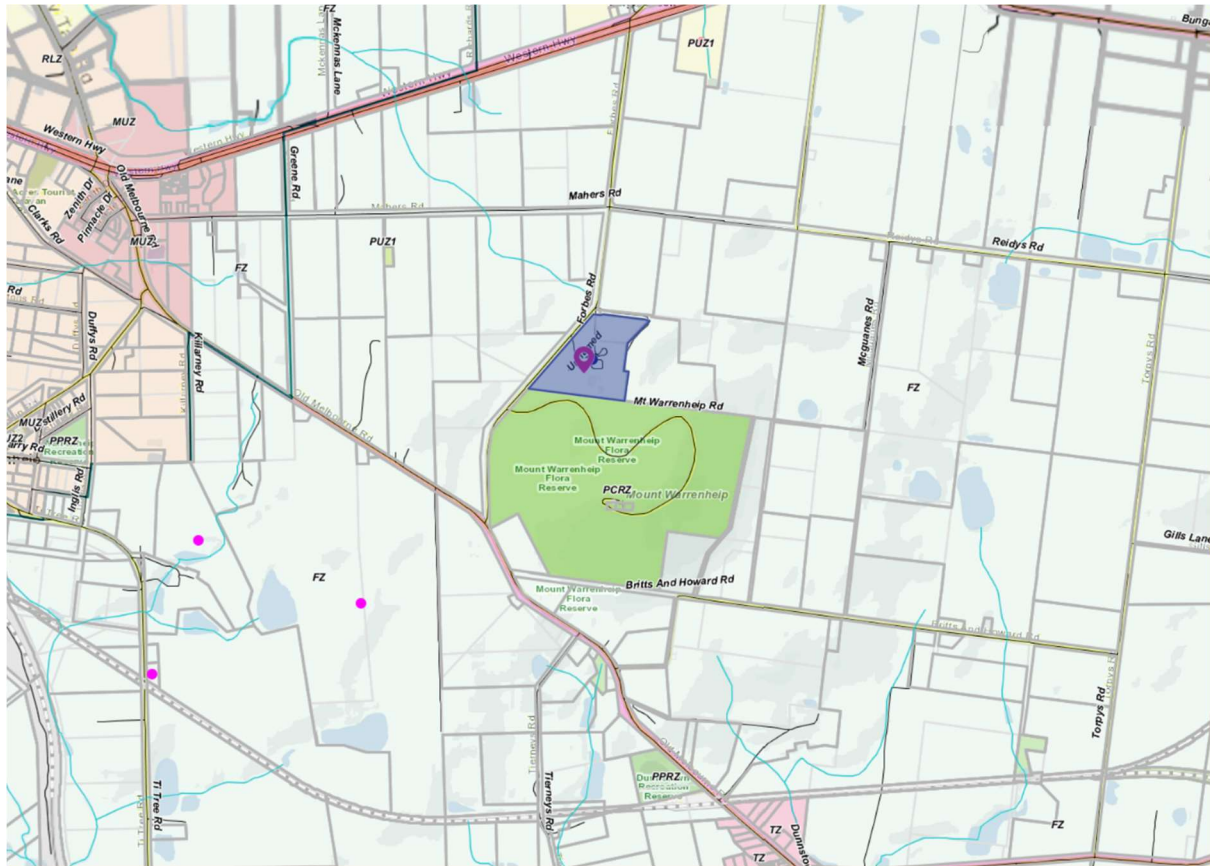
The objections received are detailed below with officer's comments accompanying them:

Objection	Any Relevant Requirements
Noise and litter from additional camping and caravan park users on a regular basis, in addition to the noisy entertainment which already spasmodically disrupts a quiet "lifestyle" farm.	Permit conditions
Officer's Response: It is considered that amenity impacts could be controlled through permit conditions.	
Campers often have dogs, which pose a significant risk to local livestock, particularly sheep and horses.	Permit conditions
Officer's Response: Domestic pets are not permitted to chase or hassle farm livestock anywhere in Victoria. However, permit conditions could provide additional controls if warranted.	

Objection	Any Relevant Requirements
Impact of sewer disposal and surface run-off on the quality of ground water which is used for drinking and livestock from large number of visitors. Impact of the camping and caravan park on the water catchment.	
Officer's Response: As detailed elsewhere in this report, sewerage and waste water treatment is hampering the current use and restricting any future development of the Kryal Castle facility.	
Adverse impact on quiet rural lifestyle and amenity as well as property values and rental returns.	
Officer's Response: Kryal Castel was approved in 1996. It has existing use rights to operate. Additional uses, such as this application will be assessed on their merits. VCAT has determined that the impact of a development on property values is not a planning consideration.	
Fire risks from wood fires, gas cylinders, open fire pits and barbeques close to agricultural properties and the Mount Warrenheip Reserve to the south. Farmers are not prepared to have Council pressure them to slash their paddocks to provide de facto fire breaks for Kryal Castle.	Municipal fire protection
Officer's Response: Fire risk management must be addressed by Kryal Castle management as part of their current obligations. Any new use of the site will require approved fire prevention compliance.	
The current septic system's location poses a severe downslope risk to our property and additional visitors will exacerbate the risk of septic overflow onto our property.	
Officer's Response: As detailed elsewhere in this report, sewerage and waste water treatment is hampering the current use and restricting any future development of the Kryal Castle facility.	
Storm water management of the site is already poor and needs to be addressed before any additional development is approved. Any additional hard stand areas will just make storm water management issues worse.	Council's Infrastructure Department
Officer's Response: Council's Infrastructure Department will address storm water management requirements through permit conditions.	

Locality Map

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



Planning Scheme Provisions

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

The relevant clauses are:

- Clause 12 Environmental and Landscape Values.
- Clause 14.02-1S Catchment planning and management.
- Clause 17.01-1R Diversified economy - Central Highlands.
- Clause 17.02-2S Out-of-centre development.
- Clause 17.02-1S Business.
- Clause 17.04-1S Facilitating tourism.
- Clause 21.04 Economic Development and Employment.

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

PPF	Title	Response
14.02-1S	Catchment planning and management	The land is not within the proclaimed water catchment area according to Land Victoria's VicPlan mapping; however Central Highlands Water has advised that Lot 1 on PS209123L is located within the proclaimed water supply catchment, specifically for the Pincotts Reservoir. The current WWTS does not meet the requirements.
LPPF		
22.02	Special Water Supply Catchments	The land is not within the proclaimed water catchment area according to Land Victoria's VicPlan mapping; however Central Highlands Water has advised that Lot 1 on PS209123L is located within the proclaimed water supply catchment, specifically for the Pincotts Reservoir. The current WWTS does not meet the requirements.

Farming Zone

In accordance with Clause 35.07-1, Section 2, a permit is required to use land for a camping or caravan park.

In accordance with Clause 35.07-4, a permit is required for buildings or works associated with a use in Section 2 of Clause 35.07-1.

The purpose of the Farming Zone is:

- *To implement the Municipal Planning Strategy and the Planning Policy Framework.*
- *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 provision.*
- *To provide for the use and development of land for the specific purposes identified in a schedule to this zone.*

The proposal generally accords with the purposes of the Farming Zone except in relation to waste water treatment and management.

Overlays

Bushfire Management Overlay

The subject site is partly covered (51.4%) by the Bushfire Management Overlay specifically on the southern side of the site which contains the castle. The land that would be used for the glamping tents and the caravan park is not located within the Bushfire Management Overlay. However, Clause 13.02-1S Bushfire planning would apply as the land is within a designated bushfire prone area.

Relevant Policies

Domestic Waste Water Management Plan

Executive Summary

Moorabool Shire Council (MSC) is committed to the monitoring and management of onsite wastewater systems within its boundary. Significant progress has been made since the 2006 DWMP, with over 2,800 inspections conducted on these systems, and process improvements made to ensure septic systems are installed and operated correctly. Under the provisions of the State Environment Protection Policy (Waters of Victoria) (SEPP), local Councils need to develop a Domestic Wastewater Management Plan (DWMP) in conjunction with relevant water authorities and the community. This DWMP has been prepared to ensure MSC meets the requirements of Guideline 1 - Planning permit applications in open, potable water supply catchment areas (November 2012) for domestic wastewater management; to ensure existing and future development assist in maintaining a sustainable environment. Key issues for Domestic Wastewater Management (DWM) that have been identified within MSC, include:

- There are a number of sensitive catchments within the Shire and the protection of these areas is important for the supply of potable drinking water to residents within Moorabool, Ballarat and Geelong.*
- Failing DWM systems have the potential to pollute these sensitive environments; and*
- Physical environments may limit the effectiveness of DWM systems within the Shire and therefore many systems may require a high level of design and management to ensure each DWM system is sustainable.*

Council has also commenced a journey of 'Moorabool 2014', which is a process/framework aimed at documenting the opportunities, pressures and challenges facing Moorabool. This will lead to a long-term vision to guide the development of Moorabool to retain its character and ensure change provides new services and opportunities for our residents.

This plan will continue the high level of design, treatment and management of DWM systems within the Shire. The Operational Plan in this DWMP provides measures for which management actions will be implemented to improve the effectiveness of DWM within MSC to protect public and environmental health and to ensure that future development within the Shire is sustainable and protects the sensitive waterways and potable drinking water catchments.

Particular Provisions

No particular provisions apply to this application.

Discussion

Council has allowed this application to remain on hold for a considerable time to enable the applicants to sort out their waste water treatment system issues. However, the applicants have been unable to resolve these issues to achieve an acceptable outcome within extended timeframes.

There are two (2) potential options:

1. Connecting the site to reticulated sewerage which would involve significant cost and would take considerable time to construct the infrastructure required.
2. Substantial renovation, or full replacement, of the on-site waste water treatment system. This would require the consent of the relevant authority which in this instance is the Environment Protection Authority. Environmental Health has advised that the current septic is failing and discharging septic waste down the paddock on the west side of the castle complex. The EPA has advised Environmental Health that they have placed an order on Kryal Castle to fix their failing septic within 6 months; either connect to sewer or put in a commercial quality treatment plant.

It is considered that until the WWTS requirements have been resolved for the Kryal Castle site that further assessment of the merits or otherwise of the glamping and caravan park concept cannot be undertaken.

It is considered that Council has given the applicants sufficient time and extensions of time to resolve these matters, and that the current application should be refused.

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

Authority	Response
Central Highland Water Powercor	Further information requested Consent with conditions
Infrastructure Environmental Health	Further information required in line with the Planning Department RFI. Consent with condition that the site is connected to reticulated sewage.

Comment on Referral Responses:

Central Highlands Water required a long-term sustainable waste water management plan; a response to storm water runoff and management; a response to the requirements of the Moorabool Planning Scheme; and how potable water would be supplied to the development.

Environmental Health initially requested further information but later consented to the application subject to conditions including that they required:

1. Compliance with the *Residential Tenancies Act 1997* and the *Residential Tenancies (Caravan Parks and Moveable Dwellings Registration and Standards) Regulations 2010*;
2. Relevant registration with the Shire; compliance with fire safety report provided by the CFA; an emergency management plan; and
3. That all proposed plumbing fixtures must be connected to reticulated sewage.

Infrastructure stated that they would respond to the application when the Planning Department's Request for Further Information had been received, which included a traffic management plan and site works and access issues.

As the further information requested by the above authorities was only provided in part, final referral responses with conditions were not able to be provided.

Financial Implications

Refusal of the application may result in the applicant seeking review at VCAT with associated cost to Council.

Risk & Occupational Health & Safety Issues

The recommendation of refusal of this application 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 required.

Options

Council could consider the following options:

- Refuse to issue a permit in accordance with the recommendations of this report;
- Ask the applicant to withdraw the application.

It should be noted that this has been offered to the applicant but not taken up.

Conclusion

The application aims to expand Kryal Castle's service offering to include a range of accommodation options at the facility. The merits of adding glamping and a caravan park to the site, however have not been able to be fully assessed due to the inability of the site to manage its wastewater.

Council has been fair in allowing extensive time for the applicant to resolve these issues, however no solution has been provided and therefore, it is considered this application should be closed and the applicant can apply at a future date once the waste issues have been resolved.

Recommendation

That, having considered all relevant matters as required by the Planning and Environment Act 1987, Council Refuses to Grant a Planning Permit for the *Development of a camping ground and caravan park associated with a Place of Assembly at 121 Forbes Road Leigh Creek otherwise known as Lots 1 and 2 on PS 209123L on the following grounds:*

1. The proposal has failed to demonstrate that waste water can be contained on the site in accordance with Council, Central Highlands Water and the Environmental Protection Authority's requirements.
2. Insufficient information to assess the application.

Resolution:**Crs. Sullivan/Keogh**

That consideration of Planning Permit Number PA2016 144 – Development of a Camping Ground and Caravan Park associated with a Place of Assembly at 121 Forbes Road, Leigh Creek be deferred at the request of the Applicant.

CARRIED.

Report Authorisation:**Authorised by:**

Name: Satwinder Sandhu 
Title: General Manager Community Planning
Date: 16 April 2019

11.3 COMMUNITY DEVELOPMENT

Mr. Troy Strang addressed Council in relation to Item 11.3.1 - Darley Civic Hub Indoor Sports Stadium Expiry of Lease – Acrofun Gymnastics Club

11.3.1 Darley Civic Hub Indoor Sports Stadium Expiry of Lease – Acrofun Gymnastics Club

Introduction

Author: Ian Waugh
General Manager: Danny Colgan

The purpose of this report is to recommend that Council enter a new lease agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a 3-year period.

The current lease agreement with the Acrofun Gymnastics Club (Acrofun) will expire on June 30, 2019. In July 2017, Acrofun were advised that, at the end of the two-year lease period, Council intended to return the indoor sports stadium to a multi-use facility and Acrofun were required to identify a relocation option. Throughout the last two years, Council Officers have been working with Acrofun to identify a suitable alternative facility. However, a suitable relocation option has not been identified. Prohibiting factors in securing a facility predominantly include location, size, amenities and parking.

Background

At the Ordinary Meeting of Council in July 2017 it was resolved that Council:

1. *Enter into a new Lease Agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of two years commencing 1 July 2017.*
2. *Endorse the following fee structure for the term of the agreement:*

Year	Cost per hour	Annual fee	Utilities contribution
Year 1: 2017/2018	\$5.35	\$15,000	\$3,000
Year 2: 2018/2019	\$6.45	\$18,060	\$3,000 + CPI

3. *Advise Acrofun that they should continue to identify relocation options during the term of the lease agreement as it is Councils intention to return the facility to multi-use at the conclusion of the 2 year period.*

Acrofun provide exercise and gymnastic activities for children through to adults, for both male and female participants, although participants are predominantly female. Acrofun contributes to the recreation, health and physical activity opportunities available to the community. Acrofun is registered as a Tier 1 Not for Profit Incorporated Association (turnover less than \$250,000). They hold an ABN but are not registered for GST.

Gymnastics contributes to the community by providing physical, social and inclusion outcomes and currently Acrofun is the only gymnastics club in Moorabool. Officers have requested

membership and participation numbers from Acrofun and are waiting for figures to be supplied. A dedicated facility for the club is an important factor for the continuation of gymnastics in Moorabool.

Current Status

Officers have commissioned a market rental appraisal for the area utilised by Acrofun. Acrofun currently occupy the Darley Civic Hub Indoor Sports Stadium which includes 551m² of programmable space. The gross lettable area has been calculated to be 815m². Instructions given to the valuation company was to determine the rental value of the stadium, as an exclusive venue for a not for profit sporting organisation. The valuation has been determined as \$24,500 exclusive of GST and outgoings.

Proposal

It is recommended that Council enters into a new lease agreement with Acrofun for a period of 3 years to allow Acrofun to carry on its operation. A new lease is appropriate as the group has exclusive use of the facility. Acrofun provides the community with access to physical activity opportunities, particularly for children. A large proportion of their participants are female.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 4: Improving Social Outcomes

Context 4A: Health and Wellbeing

Action: Recreation and Leisure Strategy

The development of the lease agreement for a 3 year period is consistent with the objectives of the Council Plan 2017-2021 and the Recreation & Leisure Strategy 2015-2021. The Council Plan outlines Council's commitment to promoting community health and wellbeing through the provision of recreation facilities, open space, programs and activities.

Financial Implications

Under the current lease agreement, Acrofun have paid the following fees per year (ex GST):

Year	Cost per hour	Annual fee	Utilities contribution
Year 1: 2017/2018	\$5.35	\$15,000	\$3,000
Year 2: 2018/2019	\$6.45	\$18,060	\$3,000 + CPI (\$3,066)

Should Council agree to a new lease agreement with Acrofun, it is recommended that the current subsidised use fee be amended to reflect the exclusive nature of Acrofun use and potential loss of revenue and use by other groups, taking into account the professional valuation received regarding use of the space by a not for profit sporting group. As noted above, the group offers valuable exercise and physical activity benefits for the community.

The following table contains a recommended fee structure (exclusive of GST) for the new 3 year lease period.

Year	Annual fee	Utilities contribution
Year 1: 2019/20	\$24,500	\$3,066 + CPI
Year 2: 2020/21	\$24,500 + CPI	2019/20 rate + CPI
Year 3: 2021/22	2020/21 rate + CPI	2020/21 rate + CPI

The fees are based on the market valuation and comparison with facilities of similar size and similar amenities.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OHS	Lease agreement outlining terms and conditions to be adhered to.	Medium	Lease agreement clearly outlining roles and responsibilities of user agreed to by both parties.
Financial	Inadequate finances of the club.	Medium.	Supervision and monitoring of payments.

Communications and Consultation Strategy

Council's decision to enter into a new 3 year lease agreement with Acrofun will be communicated directly with relevant stakeholders.

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

Currently Acrofun have exclusive use of the Darley Civic Hub Indoor Sports Stadium. This is a suitable arrangement as a multi-use facility would reduce the efficiency of time, programming and space.

Acrofun provides active engagement and development of young regional men and women and a dedicated facility for the club would be most appropriate to ensure the growth and development of gymnastics in Moorabool continues.

Moorabool currently lacks other available suitable facilities with requirements for gymnastics programming and the Darley Civic Hub Indoor Sports Stadium would be the most appropriate facility for Acrofun to continue to provide gymnastics services to the community.

Recommendation:

That Council:

1. **Enter into a new lease agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of three years commencing 1 July 2019;**
2. **Endorse the following fee structure for the term of the agreement:**

Year	Annual fee	Utilities contribution
Year 1: 2019/20	\$24,500	\$3,066 + CPI
Year 2: 2020/21	\$24,500 + CPI	2019/20 rate + CPI
Year 3: 2021/22	2020/21 rate + CPI	2020/21 rate + CPI

Motion:

Crs. Dudzik/Bingham

That Council:

1. ***Enter into a new lease agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of three years commencing 1 July 2019;***
2. ***Endorse the following fee structure for the term of the agreement:***

Year	Annual fee	Utilities contribution
Year 1: 2019/20	\$22,500	\$3,066 + CPI
Year 2: 2020/21	\$22,500 + CPI	2019/20 rate + CPI
Year 3: 2021/22	2020/21 rate + CPI	2020/21 rate + CPI

The Motion was voted upon and was LOST.

Resolution:**Crs. Edwards/Bingham*****That Council:***

1. ***Enter into a new lease agreement with the Acrofun Gymnastics Club for the Darley Civic Hub Indoor Sports Stadium for a period of three years commencing 1 July 2019;***
2. ***Endorse the following fee structure for the term of the agreement:***

Year	Annual fee	Utilities contribution
Year 1: 2019/20	\$24,500	\$3,066 + CPI
Year 2: 2020/21	\$24,500 + CPI	2019/20 rate + CPI
Year 3: 2021/22	2020/21 rate + CPI	2020/21 rate + CPI

CARRIED.**Report Authorisation****Authorised by:****Name:**

Danny Colgan

Title:

General Manager, Social & Organisational Development

Date:

Tuesday 6 April 2018

11.3.2 Proposed Discontinuance of a Portion of Government Road – Howards Road, Navigators

Introduction

Author: Ajay Ramdas
General Manager: Danny Colgan

Background

Boral Quarries Dunnstown (Boral), acting on behalf of Boral Land and Property Group, are seeking Councils consent for the discontinuance of a portion of government road identified as Howards Road currently crossing perpendicular to Navigators-Dunnstown Road/ Hewittsons Road, Navigators and Ditchfield North Road, Navigators.

A government road is a road reserve where the land is Crown land. Council, in accordance with Section 206 and Schedule 10 Clause 3 of Local Government Act 1989 (the Act) has the power to discontinue a road, or part of a road, by a notice published in the Government Gazette. It is noted that after discontinuance, the land in a government road becomes unalienated Crown land, owned by the Crown, to be settled by the Department of Environment, Land, Water and Planning (DELWP).

The government road is a gravel road situated to the south of, 144 Dunnstown-Yendon Road, Dunnstown and north of 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively.

Boral has received DELWP Crown Survey Approval to proceed with the purchase of Howards Road and a copy of the Original Plan OP124701 is contained in **Attachment 11.3.2a**. Boral also notes that the application to purchase the road was publicly notified by DELWP and only one objection was received - being from the owner of 57 Ditchfield Road. Boral has subsequently acquired this property along with the following neighbouring properties:

- 200 Navigators Dunnstown Road, Yendon
- 62 Hewittsons Road, Navigators

A map of the Boral landholding is contained in **Attachment 11.3.2b**. Boral has also provided a Work Authority over the parcels of land to the south of the road proposed to be discontinued to indicate the extension of the activities being undertaken by the bluestone quarry. (**Attachment 11.3.2c**)

Based on a review of the surrounding road network (and in recognition of the recent acquisitions), it is considered Howards Road is only used for secondary local access for the quarry on Ditchfield Road. There are two main alternate routes which could be utilised subsequent to the closure of Howards Road. These are:

- Dunnstown-Yendon Road for vehicle access to/from the north
- Navigators Road for vehicle access to/from the west.

All other routes are generally considered to be unaltered by the proposal to discontinue Howards Road.

As shown on the plan contained in **Attachment 11.3.2d**, the subject section of government road proposed to be discontinued is highlighted in red. The length of this unsealed road is approximately 920 metres.

Proposal

Prior to making a decision to discontinue a road or part of a road, section 207A of the Act provides that a person may make a submission under section 223 on the proposed portion of road discontinuance being considered under schedule 10 clause 3 of the Act.

This report proposes that Council formally authorise officers to give public notice in accordance with section 207A of the Act of the intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the *Local Government Act 1989*.

Policy Implications

The 2017 - 2021 Council Plan provides as follows:

Strategic Objective 1A: Providing Good Governance and Leadership

Context 1A: Our Assets and Infrastructure

The proposal to authorise officers to give public notice in accordance with section 207A of the Act of the intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the *Local Government Act 1989* is consistent with the Council Plan 2017 – 2021.

Financial Implications

The cost in seeking public submissions will be sought from the applicant.

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

Level of Engagement	Stakeholder	Activities	Location	Date	Outcome
Public submissions	General public, abutting property owners, service utilities	Written correspondence, website notice, public notice in newspaper	Bacchus Marsh district and surrounds	March 2019	General public supported to submit submissions

Communications and Consultation Strategy

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

Section 223 of the Act requires Council to advertise its intentions in a newspaper circulating generally within the Municipality inviting public submissions for a period of no less than 28 days after the date of the publication of the public notice in the newspaper and on Council's website. Council must then consider any submissions received in accordance with the Act. Consultation with abutting property owners will be undertaken seeking comment of the proposal to discontinue a portion of this government road.

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. The matter will be advertised and abutting property owners provided notice in writing.

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 – Ajay Ramdas

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

Conclusion

In view of the limited use of the portion of road, it is recommended that Council consider formally authorising officers to give public notice in accordance with section 207A of the Act of its intention to discontinue the portion of road under section 206 and Schedule 10 clause 3 of the Act 1989 and seek public submissions.

Resolution:

Crs. Sullivan/Dudzik

That Council:

- 1. in accordance with Schedule 10 Clause 3 of the Local Government Act 1989, authorises officers to give public notice in local and regional newspapers circulating generally throughout the municipality, of its intention to discontinue a portion of road reserve identified as an unsealed road situated to the south of property number 204350, 144 Dunnstown-Yendon Road, Dunnstown and north of property number 212250 and 212260, 89 Ditchfield Road North, Navigators and Howards Road, Navigators, respectively, seeking public submissions under section 207A of the Local Government Act 1989 on the proposal of road discontinuance.***
- 2. following the completion of the public submission process receives an officer's report to be presented to Council for consideration of public submissions received.***

CARRIED.

Report Authorisation

Authorised by: 
Name: Danny Colgan
Title: General Manager Social and Organisational Development
Date: Thursday, 4 April 2019

11.3.3 Third Quarter (January – March) 2018/19 Council Plan Actions Progress Report

Introduction

Author: Michelle Morrow
General Manager: Danny Colgan

Background

The 2017-2021 Council Plan was adopted by Council in July 2017. 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 communities of Moorabool.

The Council Plan outlines four Strategic Objectives or main themes that guide new initiatives and continuing services, these being:

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

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

All Council Actions, aligned with the Strategic Actions, are linked back to the Council Plan. The Council Plan is reviewed annually.

Discussion

The 2018/19 Council Plan Actions Third Quarter Progress Report contained in **Attachment 11.3.3** shows each of the actions and their progress comments for the 2018/19 Financial Year. Overall there are 68 actions being reported in Quarter 3, with 34 actions having reached 90 per cent or greater of their target for the period, and 22 actions having achieved between 60 and 90 per cent of their target. 12 actions remain at less than 60 per cent of their target.

The following table summarises the status of the 2018/19 Council Plan Actions for this quarter:

Strategic Objective	Not Started	In Progress	Deferred	Completed	Total
1. Providing Good Governance and Leadership		25	1	5	31
2. Minimising Environmental Impact		11		2	13
3. Stimulating Economic Development		8	3	1	12
4. Improving Social Outcomes		9		1	10
2017/18 actions carried over from the previous Council Plan		2			2
Totals		55	4	9	68

Proposal

This report is to inform Council and the communities of Moorabool on the progress of Council Plan actions for the 2018/19 financial year.

Of the 68 actions being reported for this quarter progress, three have been completed. The table below lists the actions completed for the third quarter 2018/2019 reporting period.

Action Completed	Progress Comment
1.3.2.1 – Implement Phase 2 (Intranet) of the Digital Strategy (2017-2019)	Successfully implemented fully functioning new intranet product on the live tiles platform.
1.3.3.1 - Develop Service Plans for all services (2017-2019) - Year 2 Progress	Service Plans have been developed for service unit for 2018/2019.
4.1.5.1 - Prepare a directions paper to deliver Aged Services in a consumer directed care environment	The Commonwealth is currently consulting with the aged care sector as to what the funding reforms will look like post 2020. In the interim, a direction's paper has been prepared to inform Council on delivery of aged services.

Policy Implications

The 2017–2021 Council Plan provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1C: Our Business and Systems

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 – Danny Colgan

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

Author – Michelle Morrow

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

Conclusion

Progress is being made on all actions of the Council Plan. Overall, there are 68 actions being reported in the third quarter, with 34 actions having reached 90 per cent or greater of their target for the period, and 22 actions having achieved between 60 and 90 per cent of target. The 12 remaining actions are sitting below 60 per cent of target, as most of work to be undertaken on these actions will be performed in subsequent quarters.

Resolution:

Crs. Dudzik/Bingham

That Council receives the Third Quarter (January – March) 2018/19 Council Plan Actions Progress Report.

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Development

Wednesday 04 April 2019

Mr. Felice D'Amore addressed Council in relation to item 11.3.4 - Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions

Ms. Jackie Memery addressed Council in relation to item 11.3.4 - Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions

Mr. Neil Haydon addressed Council in relation to item 11.3.4 - Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions

Ms. Victoria Vilagosh addressed Council in relation to item 11.3.4 - Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions

11.3.4 Hanson Construction Materials Pty Ltd – Statutory Procedures - Road Reserves – Consideration of Public Submissions

Introduction

File No: 455250
Author: Michelle Morrow
General Manager: Danny Colgan

Purpose

This report is presented to Council for consideration of public submissions received by Council pursuant to sections 189, 207A and 223, and clause 3 of Schedule 10, of the *Local Government Act 1989* (Vic) (**LGA**), in relation to:

- discontinuing the road shown coloured pink on the plan contained in **Attachment 11.3.4a**, being part of the land formerly contained in certificate of title volume 9937 folio 049 (**Lot 8 Road**), and selling the discontinued Lot 8 Road to Hanson Construction Materials Pty Ltd (**Hanson**);
- discontinuing the road known as Road R1 on plan of subdivision no. PS346740C, being the land contained in certificate of title volume 11390 folio 154 (**Road R1**) and selling the discontinued Road R1 to Hanson;
- selling to Hanson the land comprising the discontinued government roads coloured yellow on the plan contained in **Attachment 11.3.4a (Former Government Roads)**, subject to Council obtaining title to the Former Government Roads; and
- selling to Hanson Lot 1 on title plan no. TP386574D, being the land contained in certificate of title volume 6038 folio 516 and shown hatched on the plan contained in **Attachment 11.3.4a (Lot 1)**.

This report seeks to discuss **the road matters only**.

Background

At the Ordinary Meeting of Council held on Wednesday 4 April 2018, Council resolved as follows:

That Council;

1. *acting under clause 3 of schedule 10 of the Local Government Act 1989 (LGA):*
 - a. *resolves that the statutory procedures be commenced to discontinue:*
 - i. *the road shown coloured pink on the plan contained in Attachment 11.3.9b being part of the land formerly contained in certificate of title volume 9937 folio 049 (Lot 8 Road); and*
 - ii. *the road known as Road R1 on plan of subdivision no. PS346740C, being the land contained in certificate of title volume 11390 folio 154 (Road R1);*
2. *acting under section 189 of the LGA, resolves that the required statutory procedures be commenced to sell to Hanson Construction Materials Pty Ltd (Hanson) for not less than market value:*
 - a. *the land comprising the discontinued government roads coloured yellow on the plan contained in Attachment 11.3.9b (Former Government Roads), subject to Council obtaining title to the Former Government Roads; and*
 - b. *Lot 1 on title plan no. TP386574D, being the land contained in certificate of title volume 6038 folio 516 and shown hatched on the plan contained in Attachment 11.3.9b (Lot 1);*
3. *acting under sections 207A and 223 of the LGA:*
 - a. *directs that public notice of the proposed discontinuance of the Lot 8 Road and Road R1, and the sale of the Former Government Roads and Lot 1 to Hanson, be given in the local newspaper, the Moorabool News; and*
 - b. *resolves that the public notice should state if the Lot 8 Road and Road R1 are discontinued, Council proposes to sell the Lot 8 Road and Road R1 to Hanson for not less than market value;*
4. *authorises General Manager Social and Organisational Development to undertake the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter;*
5. *considers any submissions received pursuant to section 223 of the Act at a meeting to be held at 6.00pm on Wednesday 6 June 2018 at 15 Stead Street, Ballan;*
6. *direct that, following the hearing of submissions in this matter, a further report be submitted to Council to consider whether to proceed with the proposed road discontinuances and sales of land referred to at points 1 to 5 above;*
7. *approves officers liaising with Hanson to;*

- a. *provide Hanson with the current land status of each parcel of land described above at points 1 and 2 (Subject Parcels); and*
 - b. *seek Hanson's interest in purchasing each of the Subject Parcels at current market value, subject to Council complying with the statutory procedures under the LGA;*
8. *request that Hanson pay for Council's legal costs in gaining title to the Former Government Goads and the Lot 8 Road, undertaking the discontinuance processes and the sale of land processes; and*
 9. *approves officers writing to landholders in the vicinity of Property number 455250, being the land contained in certificate of title volume 9937 folio 049, known as Lot 8 in Plan of Subdivision Number LP219459T, to outline the Council's proposed action in respect of the Subject Parcels to provide an opportunity for the community and neighbouring landholders to support, object or comment on Council's proposal.*

Public Submission Process

In accordance with part three (3) of Council's resolution from its Ordinary Meeting of Council on Wednesday 4 April 2018, officers undertook the administrative procedures necessary to enable Council to carry out its functions under section 223 of the Act in relation to this matter.

Acting under sections 207A and 223 of the LGA public notice of the proposed discontinuance of the Lot 8 Road and Road R1 and subsequent sale if discontinued, and the sale of the Former Government Roads and Lot 1 to Hanson was conducted.

To outline the Council's proposed action in respect of the subject Parcels and to provide an opportunity for the community and neighbouring landholders to support, object or comment on Council's proposal, landholders in the vicinity of Property number 455250, being the land contained in certificate of title volume 9937 folio 049, known as Lot 8 in Plan of Subdivision Number LP219459T, were notified in writing.

Commencing on Saturday 15 December 2018, a public notice **Attachment 11.3.4b** was placed in the regional newspaper, the Ballarat Courier, the local newspaper, the Moorabool News on Tuesday 18 December 2018 and listed on Council's website.

The public submission period closed at 5.00pm on Friday 1 February 2019 with Council receiving four (4) submissions, as contained in **Attachment 11.3.4c**.

Proposal

This report is presented to Council at the conclusion of the public submission period pertaining to the proposed discontinuance of the Lot 8 Road and Road R1 and subsequent sale if discontinued, and the sale of the Former Government Roads and Lot 1 to Hanson. At the conclusion of the public submission process and up until the inclusion of this report into the Ordinary Meeting of Council Agenda, four (4) submissions had been received by Council.

Three of the four submitters have requested to be heard in support of their submission at the Ordinary Meeting of Council.

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1: Providing good governance and leadership

Context 1A: Our assets and infrastructure

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

Financial Implications

It is common practice for the prospective purchaser to pay all of Council's costs associated with the discontinuance and/or sale of land.

Risk & Occupational Health & Safety Issues

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

Communications and Consultation Strategy

The proposed discontinuance and sale of each road or parcel of land as set out earlier in this report has involved a public submission process through section 223 of the LGA. Landholders in the vicinity of Lot 8 were contacted in writing outlining the Council's proposed action to provide opportunity for the community and neighbouring landholders to support, object or comment.

The public submission period was conducted for no less than 28 days; from Saturday 15 December 2018 and closed on Friday 1 February 2019. A public notice was placed in the regional newspaper, the Ballarat Courier, in the local newspaper, the Moorabool News on Tuesday 18 December 2018 and listed on Council's website.

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

Under section 80C of the LGA (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 – Michelle Morrow

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

Conclusion

Council has carried out its functions under section 223 of the Act in relation to this matter in presenting each submission to Council.

The four public submissions received have been presented to Council for consideration prior to a final report being prepared in relation to the following proposal being put before Council to consider:

- discontinuing the road shown coloured pink on the plan, being part of the land formerly contained in certificate of title volume 9937 folio 049 (**Lot 8 Road**), and selling the discontinued Lot 8 Road to Hanson Construction Materials Pty Ltd (**Hanson**);
- discontinuing the road known as Road R1 on plan of subdivision no. PS346740C, being the land contained in certificate of title volume 11390 folio 154 (**Road R1**) and selling the discontinued Road R1 to Hanson;
- selling to Hanson the land comprising the discontinued government roads coloured yellow on the plan (**Former Government Roads**), subject to Council obtaining title to the Former Government Roads; and
- selling to Hanson Lot 1 on title plan no. TP386574D, being the land contained in certificate of title volume 6038 folio 516 and shown hatched on the plan (**Lot 1**).

Resolution:

Crs. Bingham/Edwards

1. ***That Council receives the submissions as presented in this report taking into consideration the matters raised within the submissions.***
2. ***That a report be presented to the next Ordinary Meeting of Council for consideration pertaining to the proposed discontinuance of the Lot 8 Road and Road R1 and subsequent sale if discontinued, and the sale of the Former Government Roads and Lot 1 to Hanson Construction Materials Pty Ltd.***

CARRIED.

Report Authorisation

Authorised by:

Name:

Title:

Date:



Danny Colgan

General Manager Community Development

Thursday 11 April 2019

11.4 COMMUNITY ASSETS AND INFRASTRUCTURE

11.4.1 Compost Revolution – Collaborative Opportunity

Introduction

Author: Daniel Smith
General Manager: Phil Jeffrey

Background

Statewide research shows that 26 to 40% of an average household's kerbside garbage bin consists of food waste. There has been increasing interest within the community about better managing organic waste (food scraps and garden materials) and the steady uptake of Council's greenwaste kerbside service in urban areas is a testament of this.

Along with all Councils in the region, Moorabool Shire has been invited by the Grampians Central West Waste and Resource Recovery Group (the Grampians Group) of which Council is a member, to join an initiative that encourages community members to adopt sustainable organic waste practices.

The Grampians Group has for some years offered face-to-face composting workshops across the region, including Moorabool Shire. This is available as a free resource for community groups.

Home composting is a viable method of managing food scraps as well as garden materials. However, the investment in compost bins, worm farms or Bokashi bins can be a deterrent for some householders, as can unsuccessful composting, and a high drop-out rate often results.

Proposal

To address such challenges, Compost Revolution - a social venture set up by three NSW Councils - offers a subscription package to local Councils that enables residents to purchase compost bins and worm farms at discounted rates, and also provides online educational support relevant to their chosen product. The package also provides user support to Councils. Compost Revolution claims to have diverted close to 10,000 tonnes of organic waste from landfill since the program's inception seven years ago, and claims to have a 75% retention rate of active participants. Its main drivers are diverting food waste from landfill and in doing so, creating savings for ratepayers, through the positive impact on landfill gate fees. These objectives are in line with Council's Waste Management & Resource Recovery Strategy.

Council's greenwaste collection service is currently limited to residents in the Shire's urban serviced areas and is only for garden materials. Even if sufficient demand is eventually identified outside these zones, in contrast Compost Revolution has no restrictions and is designed to accept both garden and food waste.

It is worth noting that whilst Council is receptive to permitting food scraps in greenwaste bins (a practice known as FOGO – Food Organics Garden Organics), its processor PineGro advises that a greater quantity of materials, sourced from multiple councils, would be required for return on investment in technology and saleable end product.

The models and systems from which residents may select a system include:

1. 220L Dirt Vader on-ground compost bin with Revolver compost aerator;
2. Vermi Tower 2-tray worm farm with 1,000 live worms; and
3. Bokashi Indoor Composter with 500ml starter enzyme spray, masher and 2L enzyme refill

The Grampians Group is offering a 50% subsidy on Compost Revolution products for the first year. Whilst there is no minimum order prerequisite, Council's investment would see best returns from a robust uptake of products as well as from the online resource subscription. The following circled option is being recommended:

Net cost to council for product subsidies and free delivery to residents based on annual target households	150	250	375	500
40% off RRP + free delivery for residents	\$6,102	\$10,170	\$15,255	\$20,340
50% off RRP + free delivery for residents	\$8,055	\$13,425	\$20,138	\$26,850
60% off RRP + free delivery for residents	\$10,008	\$16,680	\$25,020	\$33,360

Cost modelling as provided by Compost Revolution

Delivery is free but would be to a central holding facility and collection point, and we suggest this be the Ballan Council Offices.

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 2B: Natural Environment

Whilst the proposal of subscribing to Compost Revolution is not a direct requirement of the Council Plan 2017 – 2021, Strategic Objective 2B calls for a review of Council's Waste Management & Resource Recovery Strategy in 2020 - 2021. The following two stated objectives of this Strategy are applicable:

- "Increase recovery of garden, food and other organics"
- "Develop and promote programs to promote reduction of garden and food waste".

Financial Implications

Products:

Council officers recommend a one year trial for up to 150 households, with a 40% discount on a single composting product able to be selected by each household. As per the previous table, this would cost Council \$5,550 ex GST. It is estimated that product costs could be partially reclaimed via a reduction in costs associated with a reduced quantity of organic waste being deposited at landfill. Based on modelling 150 households with an average 30% of organic waste in their kerbside garbage bins, gate fee savings are calculated at \$2,623. The \$2,297 balance for the cost of products would need to be incorporated into Council's annual budget.

Subscription:

Based on five Councils signing up to this opportunity, the subscription for education materials and support would cost Council \$924 ex GST and including the Grampians Group 50% subsidy for the first year. It is recommended that these costs be borne by the greenwaste education budget (totalling \$15,000) as part of Council's new kerbside collection contract, commencing 1 July 2019.

Overall:

The total package would cost Council \$6,470 ex GST, however once partial cost recovery is made via a reduction in organic waste received at landfill as detailed above, the resultant cost is \$4,086 ex GST.

Risk & Occupational Health & Safety Issues

Risk Identifier	Detail of Risk	Risk Rating	Control/s
OHS – Manual Handling	Council staff will need to handle compost bins stored at the Ballan office.	Low	Compost bins, worm farms and Bokashi bins are light weight plastic items, typically in kit form. Appropriate manual handling techniques will be adopted when accessing and moving these items.
Financial – Adequate funds to undertake project	Underestimation of financial commitment	Low	Costs are controlled by Council's limit on participant numbers and items.
Public Liability – Residents handling and using products	Residents could experience physical limitations or difficulties in assembling products.	Low	Instructions and online educational resources are designed to assist with assembly.

Communications and Consultation Strategy

The Grampians Group currently promotes its face-to-face workshops by directly emailing community groups such as community gardens and neighbourhood houses. They also intend to put together a comprehensive communications plan to promote Compost Revolution, utilising both print-based and electronic media.

In addition, Compost Revolution provides an interactive, council-branded website and optimised Google Ad campaigns as part of the subscription and supporting statistics for Council staff.

As signing up to Compost Revolution is an optional activity for householders, it is regarded as sufficient to promote the program once it is rolled out, rather than formally engaging with the community.

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 – Daniel Smith

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

Conclusion

With the changing expectations of community with regards to reduction of food waste and landfill, a trial of Compost Revolution demonstrates the Shire's commitment to reducing organic waste, as stated in Council's Waste Management & Resource Recovery Strategy.

The face-to-face workshops plus Compost Revolution's resources would complement Council's greenwaste service in urban areas and provide options for residents in rural areas. The package could also provide a timely solution in the absence of FOGO.

Resolution:

Cr. Sullivan/Dudzik

That Council Supports partnering with Grampians Central West Waste and Resource Recovery Group for the implementation of:

- a. Compost Revolution's program of online educational resources commencing 1 July 2019, and;***
- b. Compost Revolution's subsidised composting products commencing 1 July 2019, offering one selected product per household at a 40% discount, for up to 150 households/year.***

CARRIED.

Report Authorisation

Authorised by:

Name:


Phil Jeffrey

Title:

General Manager Community Assets and Infrastructure

Date:

Wednesday 27 March 2019

11.4.2 Capital Improvement Program Quarterly Report – March 2019

Introduction

Author: Ewen Nevett
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 2018/2019 Capital Improvement Program to 31 March 2019.

Implementation of the 2018/2019 Capital Improvement Program

The 2018/2019 Capital Improvement Program currently consists of 46 projects, of which only 1 is inactive and cannot commence. Therefore, the table below reports on the 45 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 2017/2018 program
- 2018/2019 Council budgeted projects
- Grant funded projects

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

The Engineering Services Unit nominates 6 key stages of the project delivery process and will report with reference to these stages in regard to the overall program status. The table below summarises the overall program status as at 31 March 2019:

CIP Program Delivery Stage	Actual as of 31 March 2019	
	No. of Projects	%
Not Commenced (inactive/on hold)	1	-
Not Commenced	0	0.0
Documentation/Design Preparation	2	4.4
Tender/Quote Stage	1	2.2
Project Awarded – Waiting Commencement	5	11.1
In Progress/Under Construction	21	46.7
Complete	16	35.6
TOTAL	45	100.00

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. Over 82% of the program is either already complete or currently under construction.

Unsuccessful Funding Announcement

Werribee Vale Rd, Maddingley

Council has recently been advised that funding for this project is now being withdrawn because we can't secure adjacent landowner funding. The funding has been withdrawn after initially being advised we were successful with the draft grant requiring significant landowner contributions even though the application didn't propose these contributions. We are waiting for an official letter from the Department of Economic Development, Jobs, Transport and Resources regarding this.

Council's \$162,500 contribution towards the project through the 2018/19 CIP is proposed to be carried forward to the 2019/20 CIP with supplementary funding requested through the 2019/20 budget process so the project can be completed in 2019/20.

Policy Implications

The Council Plan 2017 – 2021 provides as follows:

Strategic Objective 1 Providing Good Governance and Leadership

Context 1A Our Assets and Infrastructure

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

Financial Implications

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 – Ewen Nevett

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

Conclusion

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

Resolution:

Crs. Edwards/Sullivan

That Council receives the Capital Improvement Program quarterly report to 31 March 2019.

CARRIED.

Report Authorisation

Authorised by:

Name: Phil Jeffrey
Title: General Manager Infrastructure
Date: Thursday 28 March 2019

11.4.3 Draft Graffiti Management Policy

Introduction

Author: John Miller
General Manager: Phil Jeffrey

Background

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

Council acknowledges the negative effect graffiti can have on pride of place, the appearance and value of property and buildings, the cost to the community and businesses, as well as social impacts such as the feeling of safety in public spaces.

Incidents of graffiti and/or vandalism throughout the municipality are reported to Council on a weekly basis and include graffiti on both Council owned and privately owned assets.

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

Proposal

It is now recommended that the draft Graffiti Management Policy lay on the table for formal adoption at the June Ordinary Meeting of Council.

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

Policy Implications

The Council Plan 2017-2021 provides as follows:

Strategic Objective 1: Providing Good Governance and Leadership

Context 1A: Our Assets and infrastructure

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

Financial Implications

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

Risk & Occupational Health & Safety Issues

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

Community Engagement Strategy

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

Communications and Consultation Strategy

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

Victorian Charter of Human Rights and Responsibilities Act 2006

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

Officer's Declaration of Conflict of Interests

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

General Manager – Phil Jeffrey

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

Author – John Miller

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

Conclusion

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

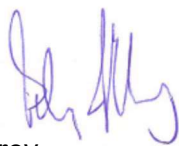
Resolution:

Crs. Sullivan/Keogh

That, in accordance with Moorabool Shire Council Policy Protocol, consideration of items which affect beyond the current year, the draft Graffiti Management Policy now lay on the table for further consideration at the next Ordinary Meeting of Council.

CARRIED.

Report Authorisation



Authorised by:

Name: Phil Jeffrey
Title: General Manager Community Assets and Infrastructure
Date: Thursday 11 April 2019

12. OTHER REPORTS

12.1 Assembly of Councillors

File No.: 02/01/002

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

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

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

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

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

Council also records each Assembly of Councillors on its website at www.moorabool.vic.gov.au

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

- Assembly of Councillors – Wednesday 03 April 2019 – Budget Meeting 3 – Review of the Draft 19/20 CIP
- Assembly of Councillors – Wednesday 17 April 2019 – Budget Meeting – Valuers Presentation
- Assembly of Councillors – Wednesday 17 April 2019 – Community Grants Program
- Assembly of Councillors – Wednesday 17 April 2019 – Planning Scheme Amendment: 135 Ballanee Road, Ballan
- Assembly of Councillors – Wednesday 17 April 2019 – Presentation by Kataland

Resolution:**Crs. Sullivan/Keogh*****That Council receives the record of Assemblies of Councillors as follows:***

- ***Assembly of Councillors – Wednesday 03 April 2019 – Budget Meeting 3 – Review of the Draft 19/20 CIP***
- ***Assembly of Councillors – Wednesday 17 April 2019 – Budget Meeting – Valuers Presentation***
- ***Assembly of Councillors – Wednesday 17 April 2019 – Community Grants Program***
- ***Assembly of Councillors – Wednesday 17 April 2019 – Planning Scheme Amendment: 135 Ballanee Road, Ballan***
- ***Assembly of Councillors – Wednesday 17 April 2019 – Presentation by Kataland***

CARRIED.

12.2 Section 86 – Delegated Committees of Council – Reports

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

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

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

Committee	Meeting Date	Council Representative	Attachment No.
Section 86 Moorabool Growth Management Committee Meeting https://www.moorabool.vic.gov.au/my-council/council-meetings/council-committees-2019	Wednesday 03 April 2019	Cr. John Keogh (Chair) Cr. Jarrod Bingham Cr. David Edwards Cr. Tonia Dudzik Cr. Tom Sullivan Cr. Pat Toohey	12.2

Resolution:

Crs. Edwards/Keogh

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

- ***Section 86 Moorabool Growth Management Committee Meeting, Wednesday 03 April 2019***

CARRIED.

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

That Council:

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

Resolution:

Crs. Bingham/Sullivan

That N.O.M: No. 280 – Providing Transfer Station Vouchers with the Annual Rate Notice be deferred and for a report to be presented to Council addressing the Notice of Motion.

CARRIED.

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

Motion

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

Resolution: Crs. Toohey/Edwards

That Council:

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

CARRIED.

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

That Council:

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

In accordance with Clause 8.35 (a) (iii) of the Local Law Meeting Procedure No. 9, the Notice of Motion No. 281 – Notice of Rescission, could not be considered at the meeting due to the number of Councillors at the meeting not being equal to the number of Councillors in attendance when the resolution of Council was adopted.

14. MAYOR'S REPORT

Since the last Ordinary Meeting of Council, the Mayor has attended the following meetings and activities:

Cr Paul Tatchell – Mayor's Report	
Date: 1 May, 2019	
14 April	<ul style="list-style-type: none"> • Myrniong Historic Car Sprint, Myrniong
17 April	<ul style="list-style-type: none"> • Heritage Advisory Committee Meeting • Councillor Briefing – Presentation by Kataland • Councillor Briefing – Review of the Draft OMC Agenda • Councillor Briefing – Presentation by Municipal Valuers • Councillor Briefing – Planning Scheme Amendment Request 135 Ballanee Road, Ballan • Councillor Briefing – Community Grants Policy Review • S86 Development Assessment Committee Meeting
20 April	<ul style="list-style-type: none"> • Blackwood Woodchop and Easter Carnival, Blackwood
25 April	<ul style="list-style-type: none"> • Bacchus Marsh RSL Anzac Day Services • Ballan RSL Anzac Day Services
29 April	<ul style="list-style-type: none"> • Opening of Youth Anti-Bullying Forum
30 April	<ul style="list-style-type: none"> • Moorabool Youth Awards
1 May	<ul style="list-style-type: none"> • S86 Economic Development Taskforce Meeting • Councillor Briefing – Confidential Aged Care Directions Paper • Councillor Briefing – Rural Councils Transformation Program • Ordinary Meeting of Council

Resolution:

Crs. Sullivan/Edwards

That the Mayor's report be received.

CARRIED.

15. COUNCILLORS' REPORTS

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

Cr. Sullivan	
April 2019	
25 April	Lal Lal ANZAC Day Service

Cr. Edwards	
April 2019	
23 April	Blacksmith's Cottage and Forge Committee of Management Meeting
25 April	Bacchus Marsh RSL Anzac Day Dawn Service
25 April	Ballan RSL Anzac Day March

Cr. Bingham	
April 2019	
25 April	Bacchus Marsh RSL Anzac Day Dawn Service

Cr. Keogh	
April 2019	
20 April	Blackwood Easter Carnival & Woodchop
25 April	Bacchus Marsh RSL Anzac Day Dawn Service & Gunfire Breakfast
30 April	Election promise announcement by Catherine King for the BMRRR sports project

Cr. Dudzik	
April / May 2019	
25 April	Bacchus Marsh RSL Anzac Day Dawn Service & Gunfire Breakfast
29 April	Youth Anti Bullying Forum
30 April	Moorabool Youth Awards
30 April	Election promise announcement by Catherine King for the BMRRR sports project
01 May	Audit & Risk Committee Advisory Meeting

Resolution:

Crs. Sullivan/Bingham

That the Councillors' reports be received.

CARRIED.

16. URGENT BUSINESS

Nil.

ADJOURNMENT OF MEETING – 7.19 pm

Crs. Sullivan/Bingham

That the meeting now stand adjourned for a period of 5 minutes.

CARRIED.

RESUMPTION OF MEETING – 7.32 pm

Crs. Sullivan/Edwards

That the meeting now be resumed.

CARRIED.

17. CLOSED SESSION OF THE MEETING TO THE PUBLIC

17.1 Contract C12-2018/2019 – Sports Ground Maintenance Services	
Directorate:	Community Assets and Infrastructure
General Manager:	Phil Jeffrey
Author:	Daniel Smith
Section 89(2)d – Contractual Matters	

17.2 Contract 26-2018/2019 – Bacchus Marsh Racecourse Recreation Reserve – Civil Works and Construction of Services Introduction	
Directorate:	Community Assets and Infrastructure
General Manager:	Phil Jeffrey
Author:	Corinne Jacobson
Section 89(2)d – Contractual Matters	

Resolution:**Crs. Sullivan/Edwards**

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.

Items 17.1 & 17.2 are confidential items
and therefore not included
as part of these Minutes.

18. MEETING CLOSURE

The meeting closed at 7.45 PM.

Confirmed.....Mayor.